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THE QUARTERLY

OF THE

TEXAS STATE HISTORICAL

ASSOCIATION

VOLUME I.

JULY, 1897, TO APRIL, 1898.

PUBLICATION COMMITTEE.

O. M. ROBERTS,

GEORGE P. GARRISON,

Z. T. FULMORE,

DUDLEY G. WOOTEN,

MRS. BRIDE NEILL TAYLOR.

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JOHN CRITTENDEN DUVAL

THE QUARTERLY

OF THE

TEXAS STATE HISTORICAL ASSOCIATION.

VOL. I.

JULY, 1897.

No. 1.

THE PROPER WORK OF THE ASSOCIATION.¹

O. M. ROBERTS.

The subject of my remarks upon this occasion is "The Uses of the Texas State Historical Association." There have been in the past two such associations instituted in the city of Austin, in which I participated, that failed to be continued in operation. It is to be hoped that this one has been organized under such circumstances as that it will be a permanent institution.

As declared in its constitution, "The objects of the Association shall be, in general, the promotion of historical studies; and, in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to Texas."

It is proper that the collection of the materials of history should not be confined exclusively to Texas, though they may be most important in forming a complete history of Texas. For being one of a number of associated States, in the same country, and under a common government, there will necessarily be subjects of a general character that will affect Texas in a way to become a part of its history, as well as those arising within its own territorial boundaries. Its objects are not so much to induce the writing of a connected and complete history as to furnish the facts for that object in the future. In a country like Texas, of a great diversity of con-

¹President's Address, read before the Association at its first annual meeting, June 17, 1897.

ditions, employments, and habits, it is beyond the capacity of one person to bring to view all the facts pertaining to each part of the country. Therefore, it is proper that there should be an association of persons, so situated as properly to co-operate in doing the work. Nor should their efforts be confined to literary and scientific subjects, but should embrace material developments and everything else that tends to form the habits, character, and actions of the people of every class and condition.

True history consists of a descriptive record of the people, their actions, and beliefs that prompt to action, in the whole range of human effort, during any given period and throughout a succession of periods of time up to the present. For the present is the matured product of the past, as every effect is the result of the contributory causes that produced it. One difficulty of our understanding the condition of things of the present time is the indefiniteness and generality of our information of the past, as well as of the present. For instance, we may look over our constitutions and statutory laws and inferentially learn that certain actions performed by some persons at certain times were by common sentiment deemed to be prejudicial to the good of society by the penal enactments of the time. And that other actions were performed at different times may be likewise inferentially learned by laws conferring the rights of person and property. Such information, so obtained, would be indefinite. So, too, the information about the past obtained from books of history, especially in a new country like Texas, is generally too indefinite to be entirely satisfactory; because such books for the most part give an account of the important actions of the government and of its changes, under the control of political parties, and of wars, and of institutions organized from time to time in obedience to public sentiment. Still those accounts are usually of a very general character.

To illustrate the ideas sought here to be conveyed: We can learn from the laws and the public action of the government that a penitentiary was established in Texas at a certain time, and has since then been kept in operation. From those sources we would fail to learn what was the condition of things that created the public sentiment that caused it to be established, what have been the employments of the convicts, how they were confined and treated, and what has been its general result as a mode of punishment of crimes up

to the present time. All that would be its history as a part of the history of the country. We may learn from the laws and histories of Texas that Texas has had several state capitals, but they fail to inform us as to the reasons of its removal from one place to the other, what conveniences were afforded at each, what important events occurred in each, and especially the long struggle in the effort to keep it at Austin, together with a specific account of the steps taken for, and work performed in, the erection of the splendid granite capitol in which the State's offices are located, and the Legislature is held. This would bring to view a connected account of the subject from the early days of Texas, as a separate government, to the present time. A most abundant amount of the materials of history could be developed by an account being given in the same way, including the past reaching up to the present, of cities, towns, and counties of Texas. That of San Antonio and Bexar county would reach back into the last century, and the progress to its present large proportions would exhibit many remarkable events peculiar to itself, and numerous acts and characters of men, who have in various ways contributed to its growth and importance, who are unknown in general history, as well as those who are so known. The same in some degree may be said of Goliad and Nacogdoches, and Laredo and Ysleta. An account of Galveston, Velasco, Houston, San Augustine, Clarksville, and some other places, would reach back to an early part of this century. An account of Corpus Christi, Gonzales, Bastrop, Austin, Crockett, Palestine, Henderson, Marshall, Paris, Dallas, Sherman, and Fort Worth, would reach back within the first half of this century. Both before and after that time, numerous towns have been established, the founding and progress of which, in the regions of country in which they are situated, would furnish much material for history.

In addition to these partially local sources of historic material, there are many others, more general in their scope, that are available. Of such are waves of public sentiment that have passed over the country and moved the people to action, such as Know-Nothingism, Greenbackism, the Granger Lodges, the Alliances, the numerous fraternities, the labor unions, the spirit of combination in everything.

Whether they are permanent or ephemeral, the actions under

them become facts of history, and leave their impress upon the people and the country.

Another prolific source is to be found in the immense growth of the objects of government, in the increase of its officers, its courts, its asylums, in its State frontier protection, its penitentiaries, its high schools of all grades, its system of new education in common schools, and in numerous other governmental affairs, whose operations and particular modes of proceeding, with their results, are but partially and generally indefinitely known now by the mass of people, an intelligible explanation of which would afford much data for history of the present.

There are existing subjects of a material and industrial character worthy of notice, such as the introduction and use of barbed wire and improved machinery, with their results upon production; the introduction and use of electricity as a power, and its probable extension and advantages; the use of water-power in machinery and irrigation, the extent of it in this State, and the manner in which it should be used when practicable, consistent with individual rights and the public good; the bicycle, its use and effects; overflows of rivers, and the responsibility of governments to relieve the sufferers, who expose themselves to the danger of them with their persons and property; storms, tornadoes, and cyclones, as they have prevailed in the different parts of Texas; long drouths, with their causes and effects; epidemics, and the quarantine in Texas; prehistoric men and lower animals, their remains, and the evidences of their former existence in Texas; mines and minerals, with their present development and probable extent in the future.

There are also subjects which may be considered, to some extent, speculative, that may furnish instructive studies for forming future sentiment, if properly presented. One of them is Paternalism in government, with the questions, what is it, to what extent has it entered the rule and operation of the government in Texas, to what extent can it be allowed to enter, consistently with personal liberty and the public good; private corporations, their great increase in this State, and their effects; life and fire insurance, and their effects; municipal corporations, the reasons for their creation, and the extent of the powers permissible to be granted them by the state government, and the limitations of injurious action upon the citizens controlled by them; the state associations of teachers, of

the bar, and of officers, now being held annually, their origin and objects, with their results; the drummers, as a commercial institution, their origin and practice; hypnotism, its proper and improper use; amusements prevalent in the past and at present, with their effects on the social condition. Anecdotes, even, if properly presented and illustrative of noble actions, important public transactions, or the characters of persons that have made themselves useful in life, may, and often do, enter into the general history of a country. Also, biographies of persons, of both men and women, in any sphere of life, whose conduct furnishes a commendable example for the imitation of others, are instructive lessons in history.

Without further enumeration, it may be said that any and everything that the people do or think, that tends to form habits of life, or to build up prevailing institutions affecting society, constitutes material for history, and may be properly presented to this Association as such.

It is not to be supposed, however, that this Association is designed to be made the arena of acrimonious discussions, or of personal criminations and recriminations of any kind. On the contrary, every contribution should, as is expected it will, assume a high tone of impartial philosophic exposition of every subject written and presented to it.

If this Association shall be perpetuated, with the full and efficient efforts of its members, until the materials for the past successive periods shall have been collected and brought up to the present time, then the work will be easy in bringing to light the annual occurrences of each year at time passes. When that is accomplished, and some able historian of the future shall undertake to present to the public the complete history of Texas, it will be found that his work will fill four or five large volumes, instead of one or two volumes, as we are now accustomed to see it presented.

In conclusion, it may be remarked that as the events of the past history of the country enter into and aid in giving shape to the condition of things existing at the present time, the study of history is important in all branches of learning as a help to understand the present. Still, "the world moves," and new elements of human thought and action are being added, day by day as time passes, to

the already accumulated materials of history, which are difficult to be grasped and understood fully in their comprehensive details and significance by any one person. They constitute the proximate impulses to public and private conduct for the time, and their comprehension is of the first importance in every department of useful knowledge.

One of the greatest benefits that this Association can confer upon the country would be to cause the present state of things as they transpire to be developed intelligibly, so as to be generally understood.



SKELETON MAP
OF THE
REPUBLIC OF TEXAS
AND BOUNDARIES AS CLAIMED BY TEXAS
FROM DEC. 19TH 1836, TO
NOV. 25TH, 1850.

HISTORY OF TEXAS GEOGRAPHY.

Z. T. FULMORE.

The great diversity of jurisdiction exercised over the area embraced within what is now known as Texas, and the geographical changes consequent upon the many political vicissitudes through which it has passed, render the history of its political geography peculiarly interesting, though complicated, and in many respects puzzling.

It is probable that no part of the Western world has been subject to so many sovereignties, or has furnished so many bases for international contention.

All that part of its geographical history prior to 1819 is involved in an uncertainty and obscurity which has baffled the patience and genius of even so great an exploiter as Mr. H. H. Bancroft, and if we were to content ourselves with the progress he and other historians have made, and with the conclusions arrived at by them, many disconnected fragments and political coincidences would remain as idle excrescences upon the pages of our history, and among the accumulated piles of annals covering a period of over two hundred years.

As these fragments are gathered up, one by one, and classified in the order of their significance and logical relation to each other, it begins to dawn upon us that the various processes through which we have grown into our present proportions have followed each other in a somewhat orderly development, and that the time may come when it shall be possible for that interesting period of our history to be presented as a harmonious and philosophical story.

Unrequited individual effort has accomplished nearly all that has been accomplished along that line, but when we reflect upon the fact that much that is material to our history is buried among the tomes at Madrid, Mexico City, Guadalajara, Zacatecas, San Luis Potosi, Queretaro, Saltillo, Arizpe, Chihuahua, and even in our own San Antonio, and all in a foreign language, the present generation may almost despair.

What is here contributed is intended as a pioneer effort to clas-

sify some of the most important events which go to make up our geographical history.

Prior to 1685, Spain had accumulated many evidences of a claim to title to most of what is now known as Texas, but no beneficial use or occupation having followed her various discoveries and explorations, her right was merely nominal. The discovery of America by Columbus in 1492, and the empty ceremony of a confirmation of her title to the whole of the Western continent, two years later, by Pope Alexander VI, constituted the beginning of Spain's claim. The discovery of the main land of the continent, bordering the Gulf of Mexico, and the formal assertion of Spanish dominion by Ponce de Leon in 1513, gave an additional claim to all that territory extending from the peninsula of Florida to Yucatan, named *Florida* by its discoverer. This was followed by the explorations of Pineda in 1518, Lucas Vázquez de Ayllon in 1525, and others; but the results were of no great practical importance until those under the auspices of Velasquez culminated in the conquest of Mexico by Cortez in 1521. By this conquest, Spanish occupation extended up the Gulf coast as far as the Panuco river, which became the western boundary of "Florida." Panfilo de Narvaez had been sent to Mexico to supplant Cortez before the final consummation of the conquest, but was defeated by Cortez, and, returning to Cuba, and afterward to Spain, he secured from Charles V a concession of "Florida" in 1526. In 1528, well equipped for the purpose, he landed at Tampa Bay and undertook an expedition which ended in disaster. The same concession was made to Ferdinand de Soto in 1537, and he was provided with the means for exploration and conquest. His expedition, though more successful than that of de Narvaez, also ended in disaster. A small remnant of de Narvaez's men, headed by Cabeza de Vaca, having escaped the perils of the sea, were stranded on the coast of what is now Texas, and, making efforts to reach Mexico, traversed a part of what is now Western Texas, while De Soto's expedition, after his death, traversed a small portion of what is now the extreme northeastern portion of Texas. In 1540, Coronado, in his expedition, touched the extreme western limit of Texas, and other explorers from time to time traversed the western limits of the country, but no effort was made towards a permanent occupation before 1690.

The descent of La Salle down the Mississippi river and his formal

assertion of French dominion in 1682, and the permanent occupation and use which followed after 1699, severed the claim of Spain to what was then called Florida. With this, perhaps the most important event in the history of the geography of the American continent, properly begins the history of the geography of Texas. Two hundred years had now elapsed since the discovery of Columbus. The splendid empire over which Charles V. and Philip II. had reigned had now dwindled into a second-rate monarchy, and the pretentious claims of Spain in the western world had been curtailed by certain international laws to whose operations she had been subjected by the nations of Europe. Her claims had been gradually pushed down to the southern border of the continent, and France now stood an impassable barrier between her possessions east and west of the Mississippi river. Florida had now lost its identity west of the Mississippi, and held a most slender tenure north of the 31st parallel and west of the Perdido river.

In parcelling out the American continent among the nations of Europe, two international laws had come to be regarded as binding: One provided that occupancy of the continent at the mouth of a river emptying into the sea entitled the occupant to all country drained by that river; the other provided that when two nations made discoveries on the same coast, the middle distance between them became the boundary. Under the former, France acquired her title to all the Mississippi river watershed, a title disputed later in other regions, and by virtue of other claims, the merits of which are immaterial to our subject.

La Salle named the country discovered Louisiana. The French colony located there grew and prospered to such a degree that Antoine Crozat, the merchant prince of his day, sought and obtained the privilege of its exclusive commerce in 1714, and engaged St. Denis in furthering the enterprise. The establishment of a trade with Mexico enlisted the energies of St. Denis, and he soon began to project plans for a commercial connection with the inhabitants of that distant region. His first step was the establishment of a trading post at Natchitoches, on Red river. From that point he had surveyed and marked out a highway from Natchitoches to the Rio Grande, conspicuous in the subsequent history of the country as the "old San Antonio road." He visited the authorities of Mexico on the Rio Grande, and his negotiations finally resulted in the

policy, on the part of Spain, of taking possession of what had, then, become known as Texas.

The establishment of missions, presidios and settlements was then undertaken on a scale sufficient to insure Spanish dominion over the entire territory of Texas.

In the establishment of these settlements, due regard was had to the rights of France to Louisiana, by fixing the most easterly Spanish settlement at Adaes, about twenty miles west of the most westerly French settlement at Natchitoches. As that settlement was on the east bank of the Red river, the Spanish authorities located Adaes near the junction of several small streams which united and formed a tributary of Red river, and thus laid the foundation for a claim to all the Red river watershed on the west and south, and subsequently asserted their claim to the main stream of that river.

Shortly after these occurrences, a war broke out between the two nations, and French troops took advantage of the opportunity to invade Texas and drive the Spaniards west of Trinity river. The latter soon re-established their settlements, strengthening that at Adaes so as to be prepared for any further encroachments by the French. A peace was shortly afterwards declared, but the French declined to entirely give up the territory, and insisted upon having the Rio Grande as the western boundary of their claim, basing their right upon the discovery and attempted settlement on Matagorda bay by La Salle in 1685. Since the conquest of Cortez in 1521, Spain's dominion on the coast had not extended farther north than the Panuco river, and the French contended that as the Rio Grande was the middle distance between that river and Matagorda bay, the boundary of France properly extended to that river. No serious effort, however, was made to maintain that claim. Matters remained in *statu quo* between Natchitoches and Adaes until 1735, when the French moved their settlement from the east to the west side of Red river, several miles nearer Adaes. This action met with little opposition beyond a protest from the Spanish commandant at Adaes.

The opposing claims stood thus, each nation successfully resisting the further advance of the other, until 1762, when Louisiana was ceded to Spain by France. As this cession mentioned nothing as to the boundary between Louisiana and Texas, it remained unsettled until 1819. In 1800, Louisiana was retroceded to France,

just as France had ceded it to Spain, and in 1803 France sold it to the United States, with no specification as to the western boundary, thus devolving the responsibility of a final adjustment upon the United States and Spain.

After thus quieting all attempts at French invasion on the east, Spain realized the necessity of extending actual dominion over all the territory claimed by her, and especially over that unoccupied part of her territory exposed to the Gulf of Mexico. There was a scope of country north of the Panuco river, bounded by the provinces of Nuevo Leon on the west, Coahuila on the north and north-west, and Texas on the northeast, which had remained in possession of the native tribes of Indians ever since the conquest. The measures adopted for bringing that region under the jurisdiction of Spain finally culminated in the establishment of the province of Nuevo Santander, now the State of Tamaulipas, and in definitely fixing the western boundary of Texas.

No definite boundaries had been fixed to any of the provinces named contiguous to this vast country, for the reason that their colonial development had not required it, but the area extending 100 leagues north and 50 leagues west, extending from the Panuco river to the Rio Grande, was regarded generally as the limits of the new territory to be brought under the civil jurisdiction of Spain; in other words, the Rio Grande was regarded as the southwestern limit of the province of Texas, when the work of subjugating and civilizing this area was entrusted to Escandon.

In 1746 he subjugated most of the savage tribes inhabiting this region, and in 1748 was entrusted to complete the work and bring the region under the complete dominion of Spain. He proceeded with his forces as far east as the Rio Grande, and established missions and settlements. The Governor of Texas at that time was making Adaes his capital, under orders from the viceroy, in order that he might watch the movements of the French, and be in a position to guard the eastern boundary of the province against encroachment. Escandon dispatched a part of his forces in the early part of 1749 across the Rio Grande, and they proceeded as far east as the Rio Guadalupe, where they found the old mission, La Bahia del Espiritu Santo, virtually abandoned, and took charge of it. In going thus far, they exceeded the limit of the territory originally contemplated in the commission to Escandon—instead of stopping

when he had traversed the distance of 100 leagues, his forces went 185 leagues. When this was ascertained, he was ordered by the solicitor general of New Spain to move back to the San Antonio river. The doors, bells, and other movable appurtenances to the mission were taken down and carried to Santa Dorotea (now Goliad), and the mission and presidio established there, and the San Antonio river was for a time regarded by the authorities of Nuevo Santander as the eastern boundary of that province.

Affairs were in this shape when the Governor of Texas resumed his residence at San Antonio, soon after the cession of Louisiana to Spain, and after all causes for French encroachment on the east had been removed. In the interim between 1750 and 1764, the authorities of Nuevo Santander issued titles to land as far east as the San Antonio river, and exercised jurisdiction in other ways. This brought about a conflict between the respective provinces. The territory of Coahuila and Nuevo Leon had also been encroached upon by the authorities of Nuevo Santander. To settle disputes as to the extent of the boundaries of Santander, and determine its jurisdiction over such territory as was contiguous to these provinces, and to protect the vested rights acquired within the disputed boundaries, the complaints of the Governors were laid before the proper authorities at Mexico City and Madrid. All disputed matters were adjusted by decrees, which were formulated into a royal cedula. To this cedula was attached a map designating the boundaries. It was filed among the archives in 1805, and photographic copies of this map have been used in judicial proceedings in the courts of Texas affecting titles to lands situated in the disputed territory. By this map, the western boundary of Texas began at the mouth of the Rio Nueces, thence up that river to its junction with Moros creek, thence in a northeasterly direction to near the Garza crossing of the Medina river, thence up that river to its source, thence in a direct line to the source of the San Saba river; thence northwesterly to the intersection of the 103d meridian of west longitude and the 32d parallel of north latitude, thence northeasterly to the intersection of Red river by the 100th meridian, thence down said river. The first call from the source of the Medina is northeasterly, but the source of the San Saba is the point aimed at. A previous map of Humboldt, compiled from an official map in use at Mexico, and used in the debate over the compromise measures pending before

the United States Congress in 1850, corresponded in many respects with this. The parallels and meridians of Humboldt's map were more than 170 miles from their true location, as since ascertained, but, taking the natural objects called for, they corresponded in most essentials, as far as the lines went, with the royal map of 1805.¹

Such were the western boundaries of Texas in 1803, when the dispute as to the eastern boundary of Texas was again taken up by the United States and Spain.

The sale of Louisiana was bitterly opposed by Spain, and formal delivery of possession of the territory had not been made when Napoleon sold it to the United States, and only twenty days elapsed between the delivery by Spain to France and the delivery by France to the United States.

Spanish forces were reluctantly withdrawn from New Orleans and transferred to the western border of Louisiana. Much diplomatic correspondence ensued touching the boundaries, but no practical results followed until late in 1806, when the United States mobilized troops west of Red river. To counteract this, Spanish troops were mobilized east of the Sabine, when, on the 5th of November, 1806, the two armies confronted each other. An armed conflict seemed imminent, when an armistice was agreed upon, by which hostilities were to cease until such time as the two nations should otherwise settle the question of boundary. It was agreed between the respective commanders that a strip of country, since famous as the "Neutral Ground," should not be encroached upon by either nation. The eastern limit of this neutral ground was a line equidistant between Adaes and the Arroyo Hondo, and the western limit the Sabine. Northern and southern limits were not fixed. The matter of the eastern boundary remained in this state for about thirteen years. Spain conceded nothing beyond what she had virtually conceded to France seventy years previously. In the

¹Prieto's History of Tamaulipas contains the map compiled by Escandon and deposited with his official report among the archives at Mexico in 1755.

The royal map of 1805 seems to be confined to natural objects, leaving the matter of meridians and parallels for further determination.

To Col. B. Coopwood, Laredo, Texas, I am indebted for the sources of much of the information concerning the western boundary of Texas.

meantime, the United States ignored Spain's claim to the main stream of Red river. Louisiana was admitted as a State in 1812. Civil jurisdiction was extended west of Red river below the neutral ground whenever the necessities of her increasing population demanded it. Arkansas Territory was cut off, and Indian Territory set aside as a reservation for the Cherokees and other Indians. Indian Territory embraced the Red river watershed west of Arkansas on the south, as well as north of Red river.

Spain had always claimed to the main stream of Red river, and had assigned the territory to Texas and New Mexico. On the other hand, Mr. Jefferson and his advisers and their successors claimed the Red river watershed on the south as well as north. Nacogdoches was the most northerly settlement in Texas, and Captain Pike's chart had located it about eighty miles south of the 32d parallel, and thus, with the aid received from Humboldt's map, fixed in his mind this parallel as a proper division line between Spain and the United States south of Red river. Before the ratification of the treaty of 1819, Cherokee Indians began to occupy Indian Territory, the treaty having been made with them in 1817, so that when the country was wrested from Spain by Mexico they had begun to occupy the country on both sides of the river. Finding themselves cut off by the treaty ratified in 1821 by Spain and in 1822 by Mexico, they applied to the latter for proprietary rights to the country north of the 32d parallel, south of Red river; but failing in this, they obtained a permissive occupancy. In the Fredonian war in 1826, this was agreed upon as a line between them and Edwards' colonists. In 1835, a treaty was made with them, recognizing their rights to the sovereignty of the soil; but, being provisional, it was repudiated by the Republic of Texas, which, though refusing to recognize them as constituents of the sovereignty, continued their permissive occupancy until their alliances with the enemies of the Republic of Texas forfeited that right, and they were driven from Texas.

By the treaty of 1819 (ratified by Spain in 1821, and by Mexico in 1822), boundary disputes between Spain and the United States were finally adjusted. By that treaty, the boundaries between the two nations were fixed as follows: Beginning at the mouth of the Sabine river, thence up its west bank to the point where it is crossed by the 32d parallel of north latitude; thence north to Red river;

thence up that stream to where it is intersected by the 100th meridian of longitude west from Greenwich; thence due north to the Arkansas river; thence up that river to its source; thence north to the 42d parallel of north latitude; thence west to the Pacific Ocean. This took from Spain all territory east of the Sabine, below the 32d parallel, and added it to Louisiana, while it took from the United States the whole of the Red river watershed on the south from Louisiana and Arkansas to the 100th meridian, and the whole of the Mississippi river watershed west of that meridian, south of the Arkansas river. Florida was purchased by the treaty, so that it was tantamount to an even exchange of territory. The feeble claim which the United States asserted to the Rio Grande was formally abandoned.

The United States had a valid claim to the Mississippi river watershed, extending to the Rocky Mountains, but De Onis, the Spanish minister who negotiated for Spain, by representing to Mr. Adams that the source of Red river was only a few leagues from Santa Fe, and that such proximity of the two nations might endanger their peace, and that the intermediate country was so impregnated with nitre as not to be susceptible of habitation, and, therefore, valueless, induced Mr. Adams to stop at the 100th meridian.

These were the limits to Texas when the country was wrested from Spain by Mexico in 1821, and the limits as recognized by Mexico in 1822.

Mexico having become a republic, and adopted a Constitution in 1824, consolidated the territory of Texas with that of Coahuila, and organized the two into one State, known as the State of Coahuila and Texas, with no change in boundaries while it remained under the sovereignty of Mexico.

Liberal colonization laws, a homestead exemption of 4428 acres of land to heads of families, and one-fourth that quantity to single persons, protection against debts contracted prior to removal to Texas, freedom from taxation for ten years, and many other inducements, soon brought an influx of Anglo-American population. After a prosperous growth of ten years, events began to transpire which had their culmination in the separation of Texas from Mexico, and its erection into an independent Republic in 1836.

The Congress of the Republic of Texas, on the 19th of December, 1836, fixed the western boundary at the Rio Grande, from its

mouth to its source, and from its source to the 42d parallel of north latitude.

The only area within this limit adversely occupied was the inhabited portion of New Mexico east of the Rio Grande, known as Santa Fe. With a view to establishing peaceful relations with that part of the country, President Lamar had fitted out an expedition in 1841. Upon their arrival in New Mexico, they were treated as public enemies, made prisoners, and sent to Mexican prisons.

During the next year, Mexico made two efforts to regain a portion of Texas, one in the spring, another in the fall of the year; but both were driven back across the Rio Grande. Nothing further had been done in the way of exercising jurisdiction over any unoccupied territory when the subject of annexation to the United States began to be agitated in both countries. Annexation was consummated in 1845 by Texas merging herself into the United States as a State. There were certain stipulations of the terms known as Articles of Annexation. One of them devolved upon the United States the responsibility of settling boundary disputes with other nations; another provided for the erection of four additional States out of her territory when the State desired; and another provided that the line of 36 degrees 30 minutes should be respected as to slavery.

At the time of the adoption of these articles of annexation, the only nation disputing the boundaries of Texas was Mexico, and that dispute was not as to any western boundary, but was as to the right of Texas to establish a boundary at the Sabine, Mexico still refusing to recognize her right as an independent nation to fix any boundary. Annexation was fully consummated in February, 1846, and the United States began to move her troops from the outposts of Louisiana to the western borders of Texas. This was regarded as a *casus belli*, and the troops of the United States were attacked by those of Mexico. War followed, and, after it, in 1848, came the treaty of Guadalupe Hidalgo. By this treaty, the boundary line between the two Republics began "in the Gulf of Mexico three leagues from land, opposite the mouth of the Rio Grande; * * * thence up the middle of the river * * * to the point where it strikes the boundary of New Mexico; thence westwardly along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence northward along the western line of New Mexico until it intersects

the first branch of the River Gila; * * * thence down the middle of said branch and of said river until it empties into the Colorado; thence across the Colorado, following the division line between Upper and Lower California, to the Pacific Ocean."

The *southern* and *western* limits of New Mexico, mentioned in this article, are those laid down in the map entitled "Map of the United Mexican States, * * * published at New York in 1847 by J. Disturnel."

This treaty settled the only dispute as to boundaries which had previously existed between Texas and Mexico, but boundary troubles did not cease with this. The United States now raised the question of a boundary between Texas and New Mexico, the claim of Texas to all that portion of the States of Tamaulipas and Coahuila, east of the Rio Grande, being conceded. The title to Santa Fe was denied, and the matter furnished the basis for a long debate in both houses of the United States Congress. Senator Rusk's contention was that the old maps proved nothing, and afforded little or no light upon the subject, and took the position that the claim of Texas to the Rio Grande had its origin in the revolution of Texas, citing numerous official acts on the part of Mexico, beginning with the capitulation of General Cos at San Antonio in December, 1835, and ending with the address of the Mexican peace commissioners to the people of Mexico in 1848. Mr. Volney E. Howard, in the lower house of Congress, went more fully into the details of the errors of old maps, exposing most of them, and resting his claim mainly upon a proper construction of the Articles of Annexation, one of his strongest points being that as the United States, in one of the articles, had expressly recognized the right of Texas to territory north of 36 degrees 30 minutes, beyond and outside of any limit which either Spain or Mexico had ever assigned to Texas, the right of Texas to it differed in nowise from her right to Santa Fe, and both having been acquired by the same acts, one could not be recognized without the other; in other words, the language of the article included Santa Fe. The debate became sectional, and the views of the partisans culminated in the compromise act of November 25, 1850, by which Texas, in consideration of \$10,000,000, gave up all territory north of 36 degrees 30 minutes, and all west of the 103d meridian of west longitude as far south as the 32d parallel of north latitude. The area thus parted

with embraced more than 100,000 square miles, now included in New Mexico, Colorado, Wyoming, Kansas and Oklahoma.

There was yet another adjustment to be made. The treaty of 1819 described the 100th meridian "as laid down on Melish's map." This meridian was more than 100 miles east of the true 100th meridian. In the act of December 19, 1836, the Republic of Texas made her eastern boundaries coterminous with the western boundary of the United States, as fixed by the treaty of 1819. The area between the true 100th meridian and the 100th meridian according to Melish's map, extended from Red river north to the parallel of 36 degrees 30 minutes, and was more than 100 miles in width, embracing an area of about 16,000 square miles. According to strict construction of the treaty of 1819, this strip belonged to Texas. It was held by the Supreme Court of the United States, however, that Texas was estopped from claiming this strip, for the following reasons:

1. Because, by the compromise act of 1850, wherein she ceded all territory north of 36 degrees 30 minutes and west of the *100th meridian*, it meant the true meridian and not the Melish meridian.
2. In the creation of the counties of Lipscomb, Hemphill, and Wheeler, the true 100th meridian was made their eastern boundary.
3. The ascertainment of the true 100th meridian had been acquiesced in, recognized and treated as the true boundary by various acts of Texas, and both governments had treated that as the proper boundary in the disposition they made of the territory involved, through a long series of years.

This view being virtually conceded as to all the strip, except 3840 square miles east of the true 100th meridian, and between the forks of Red river, the question for solution was, as contended by the United States, whether the line following the course of Red river eastward to the 100th meridian met the 100th meridian at the point where it intersected the lower fork of Red river, or where it intersected the upper fork, as contended by Texas. At the former place, the United States had erected a monument to indicate the intersection of Red river by said meridian, in 1857. On the same meridian, where it met the 36 degrees 30 minutes parallel, another monument was erected. In other words, which was the main stream of Red river? If the north fork, then the area was in Texas; if the south fork, it was outside of Texas.

This question was submitted to the Supreme Court of the United States, and by that tribunal the disputed territory was held as belonging to the United States.

Thus, it will be seen that Texas lost the territory which was regarded as belonging to her up to 1749, by the unauthorized expedition of Escandon east of the Rio Grande; lost all that portion of her territory east of the Sabine below the 32d parallel, and gained the Red river watershed on the south as far west as the 100th meridian, by the treaty of 1819; regained the country east of the Rio Grande which she lost in 1749, and acquired all of Coahuila and New Mexico, east of the Rio Grande, in 1836; compromised her claim to more than 100,000 square miles of territory, in 1850; and, by failing at the proper time to assert her claim, lost about 16,000 square miles between Red river and the parallel of 36 degrees 30 minutes between the 100th meridian and the line specified in the treaty of 1819, and formally claimed by the act of her Congress in December, 1836. As a province, her territory on the east and west was curtailed, and her northern boundary enlarged. As a separate political entity, she was merged into a State of Mexico, and virtually lost her political identity; marked her limits by the sword in 1836, and in 1850 sold about one-fourth of her domain to the United States, and by want of due diligence has conferred a prescriptive title to the 16,000 square miles upon the United States.

These are the main steps by which she has adjusted her outward form and assumed her present proportions. The processes by which her political subdivisions have developed towards fixity are somewhat less interesting, though peculiar, and, in their initial steps, different from those of any State of the American Union.

To get even a superficial comprehension of these, some knowledge of the political structure of the several sovereignties under which she has maintained her identity is necessary.

Exclusive of the ecclesiastical and military establishments, the civilized population of the country was not sufficient to require any sort of civil establishment until after San Antonio had been settled. About the year 1715, the municipality of Bexar was created to meet the needs of that settlement. Under the then status of population it was unnecessary, as well as impracticable, to assign any definite limits to that municipality. The functions of the officers of the municipality were judicial and executive only. Unlike the British-

American system, the citizen had no voice whatever in shaping the political policies of the country, even in the smallest details of local polity. In Florida, California, and other States where beginnings were Spanish, as well as in Texas, whatever local civil government existed, existed under the form of the municipality. When Florida passed under the sovereignty of the United States, the municipality lost its identity. Mexico adopted a constitution in 1824, and made a subdivision intended to be political, and called it the Department, but, except in Texas, colonial development was not sufficiently advanced to afford a test of its merits as a part of the machinery of republican government.

Texas began her existence as a separate province of Spain in 1727, and in the long interval that elapsed between that date and 1824 only two additional municipalities came into permanent existence—La Bahia and Nacogdoches.

Under the Constitution of 1824, the municipality was retained, with no radical changes of function, and, colonial development in Texas being rapid, the number of municipalities was increased, so that, at the meeting of the Consultation in 1835, the number was eighteen, and, to meet the needs of the settlements, five new ones were created, so that, at the date of the formation of the Constitution of the Republic, there were twenty-three.

Texas was annexed to Coahuila, and jointly they became the State of Coahuila and Texas, and the latter was constituted the Department of Bexar. Each department was to have an executive officer, called Political Chief. While he was doubtless intended to be an executive officer simply, the Constitution of Coahuila and Texas clothed him with many judicial powers. Each department was also entitled to a representative in the State Congress of Coahuila and Texas. This representative was chosen by a departmental electoral college, which had been previously elected by a college of ayuntamientos, elected by the direct votes of such suffragans as, under the rigid suffrage laws of the State, were entitled to the elective franchise. The ratio of representation in the Federal Congress was one to every 40,000 of population; and in the State Congress, one to every 7500. The inhabited area of Texas at that time extended from San Antonio in the west to Nacogdoches in the east, and to Red river in the northeast, and inland from the Gulf as far as the falls of the Brazos. The great diversity of interests implied

by this extent of area was intensified by the incongruity of the population inhabiting it. It goes without saying that this sort of political structure was wholly unsuited to the development of a truly republican system of government, and wholly out of harmony with the ideas of the Anglo-American republicans, who now began to realize the need of some efficient system of local government. To partially meet this want, the territory of Texas was about equally divided into two departments, Bexar and Nacogdoches, in 1831. With the exception of a small settlement around Nacogdoches, this virtually separated the Anglo-American and native Mexican population, and in 1834 a new department was created, mostly from the Department of Nacogdoches, and called the Department of Brazos. This was exclusively under the control of Anglo-Americans, and for the first time in the country's history an Anglo-American Political Chief was appointed. With the rapid increase in population came the greater necessity for a more efficient system of local government. This led the people, in 1832, to a concert of action to secure it. This resulted in an assembly constituted by representatives from the municipalities, so that each center of population might have a voice in formulating some political policy for the country. There was another meeting of the same sort in 1833.

The main object of these meetings was to secure separate statehood for Texas. This was refused. During the two years following, the President of Mexico assumed dictatorial powers, and the emergency for separate political action arose. The people again assembled in 1835, and by representatives from all the eighteen municipalities adopted a plan of government, inviting five other centers of population to participate, which they constituted municipalities. This assembly was known as the Consultation of 1835. Texas was constituted a separate State; the Political Chiefs of Nacogdoches and Bexar were ordered to cease their functions, and the Political Chief of the Department of Brazos was transformed into the Governor of Texas. This ended the department as a part of the political machinery of Texas, and the municipality took its place *eo instanti*, as the political unit. The only remnant of Mexican structure under this plan was the executive council selected to aid the Governor, which soon showed its want of adaptation to needs of representative government. The powers of this assembly being limited, a convention composed of representatives from all the mu-

municipalities, and clothed with plenary powers, was called to meet March 1, 1836. This convention promptly convened on that day, and, on the next, declared Texas independent, and framed the Constitution for the new Republic. That Constitution provided for dividing the territory into counties, to be not less than 900 square miles in area; a provisional government was organized; the Constitution submitted to and adopted by the people in September following. In October, the first Congress of the Republic of Texas assembled, and, instead of formally dividing the Republic into counties, recognized the existing municipalities as such, defined and adjusted their boundaries, subdivided them, and created new ones as circumstances required it, and provided such machinery as was requisite to an efficient system of local republican government. The ayuntamiento, the alcalde, and other relics of Spanish monarchy, gave way to the county court, the justice of the peace, the sheriff, and other insignia of a truly representative government. From 1836 to 1897, the process of subdivision has gone steadily on, until, from the twenty-three municipalities, with a vote of 4322, we have grown into 244 counties, 224 of which are organized, having a vote of 540,000, and in the peaceful enjoyment of all the blessings which a truly republican form of government vouchsafes.

What the future geography of our State will be, it is not the province of this paper to discuss. The basis for that article of annexation which provided for the erection of her territory into five States has long since ceased to exist, and the article itself stands upon the pages of our history as a mere relic, into which no magic of political ambition can ever infuse life; the memories of the Alamo, Goliad, and San Jacinto, are every year taking deeper hold in the minds and hearts of the people; her 750,000 school children march each year more proudly to the music of the battle songs of '36; the orator, poet, and historian are every year embalming the glories of the struggle which gave birth to the young empire. United from Sabine Pass to El Paso, and from Texarkana to Brownsville, by bands of steel, common and equal partners in an indivisible heritage of a university and other higher institutions of learning, in a common school endowment of \$12,000,000, and a landed endowment equal in area to the State of Indiana, all cementing her citizenship into one common policy, our unity becomes more compact as the years roll by.

Her political subdivisions, however, will continue. Areas which produced 350,628 bales of cotton in 1870, and 3,154,000 in 1894, 6,000,000 bushels of corn in 1850, and 107,000,000 in 1895; which had only 571 miles of railway in 1870, and 9500 in 1895, and have made giant strides in all those things that contribute to human happiness and human greatness, will allow no pent-up Utica to circumscribe their powers, but will continue to burst their bands and readjust themselves to the constant demands of new conditions as long as civilization shall endure.

TRIBAL SOCIETY AMONG TEXAS INDIANS.

M. M. KENNEY.

When we seek to know the early stages of human society, we derive aid in the Old World from the light of written history, which discloses with more or less clearness the conditions existing in the past for some thousands of years, supplemented by a twilight of old tradition.

In the New World, however, the light of written history closes in sudden darkness only four centuries back, and is but feebly supplemented by obscure tradition of short duration. As to the peculiar race of men who inhabited these regions before that time, we are thrown upon the resources of natural history. The fragments of flint weapons and rude pottery which are here found buried in the soil, sometimes in deep strata, inform us that these continents were inhabited by savage people in very great antiquity. The mounds and traces of fortifications widely dispersed, and the so-called ruined cities of Mexico, Central America, and Peru, inform us that the builders were tribes, and that from time to time partial civilizations arose among them and progressed to the point of erecting great public structures and executing rudimentary works of art, and lapsed again into barbarism and savagery, as they have done in the Old World within recorded time.

But there is another trace, which we may say has been recently discovered, and which is both more ancient and more distinct than any mounds or ruins. The great advance in recent years in the science of Comparative Philology, or the science of language, has opened to us "vistas into the past hitherto undreamed of," and affords a record of great antiquity of many barbarous, unlettered tribes and nations. We are thus enabled to trace migrations which occurred long before the dawn of history, even in the Old World. In the western hemisphere we are enabled, by comparing the languages of the aborigines, to locate the grand divisions of the race in times much earlier than our histories of discovery disclose, or their traditions indicate, and to trace some of their wanderings long forgotten among them.

The region of North America which the fortunes of war and political councils have now defined as the State of Texas was in the early years of this century inhabited by about thirty tribes of Indians. Twelve tribes of these spoke dialects of the Caddo language, which is an offshoot of the Pawnee stock, including the tribes of the Ricaree and Mandan far up the Missouri river, and farther north. The intervening region, more than a thousand miles in extent, was peopled by tribes alien in speech and unconnected with either. At what time the parent stocks parted company is unknown. But as their languages had diverged so much that they could not be readily understood by each other, we know that the time had already been considerable when these tribes were first discovered.

The twelve tribes of the Caddo stock were the Caddos, Adaes, Bedaes, Keechies, Nacogdoches, Ionies, Anardarkos, Wacos, Tawakanas, Towash, and Texas; all inhabiting east of the Brazos, from about a hundred miles from the coast, northward nearly to the Arkansas river. Of course, there was no distinct boundary. The Indian tribes knew nothing of a country. They believed that they had a right to the land the same as to the air and water throughout the universe as known to them. The tribes above named hunted across the country as far west as the San Antonio river; but their permanent villages and habitual ranges were within the vague limits described. They had a tradition that they had formerly been confederated together, forming one nation; but whether they were at that time one tribe, from which smaller ones broke off, as bees swarm from the parent hive, is unknown. They were more advanced toward civilization than other tribes north of Mexico, and afford the best examples of tribal government and society.

Of the thirty tribes alluded to as forming our aboriginal population, two obscure tribes, the Coushatta and Alibama, occupied villages on the Neches and Trinity rivers not far from Nacogdoches, where they still remain. They also are offshoots far removed from their parent stock, the Muscogee of Georgia and Florida, with many intervening alien tribes. The Lipans ranged from the Rio Grande to the Brazos, along the foot of the mountains. They were an Apache tribe, and their speech a dialect of the Athabascan language, prevailing in the far north, from Hudson bay nearly to the Pacific ocean. They also must have broken off from the parent stock in ancient times.

The Comanches, more numerous and powerful than all other tribes combined, roamed the great plains, from Oregon southeastward nearly to the Gulf of Mexico. Their language is a dialect of the Shoshone, spoken by the Bannocks of Montana and the Piutes of Southern California. They were ferocious savages, but their tribe was particularly well organized.

Three tribes of the thirty spoke, each, a language peculiar to itself, in which no connection can be traced with any other tongue. The first and worst of these was the Carankawa, inhabiting along the coast from Galveston westward—a tribe of cannibals, noted for their gigantic stature and hideous aspect. All of them were over six feet in height, and each man carried a bow as long as himself, from which they shot arrows with great force and precision. Their language was an almost inarticulate guttural, impossible of imitation, and the lowest form of human speech.

The second of the three tribes, unconnected with any other stock by affinity of speech, was the Tonkaway, ranging from the Brazos to the Nueces, and from near the coast to the mountains. They were friendly with the white people, and often joined in expeditions against the Comanches, with whom they were always at war. They were in alliance with the Lipans, though there was no affinity of speech between them.

The other solitary tribe was the Kioways, roaming the great plains with the Comanches, with whom they were in alliance, though there was no resemblance between their savage tongues. The rest of the thirty tribes were small and obscure; many of them perished before any vocabulary of their languages was secured.

The first mention in history of any of our tribes is in 1530, when a Spanish officer reports capturing, near the Rio Grande, one of the Texas nation, whom he made his servant.

About 1536, Cabeza de Vaca, with several companions, members of a Spanish expedition which was shipwrecked on the coast, spent six years among the aborigines in Texas. De Vaca has left a narrative of their somewhat severe experience. He names several tribes, none of which we are able to recognize. His description of the country, however, and some incidents, indicate some of the same tribes we know; one of these is mention of the extemporaneous fortification, which we know as the rifle-pit, used by the Tawakanas, which I supposed was a modern invention of that tribe, who

alone used that defense against the white people in our time, but which, it is plain from the old narrative, was understood and used by a tribe in Texas more than three centuries before. His description of the Indians on the coast also tallies with our knowledge of the Carankawas. About 1630, Maria de Agreda, a Spanish missionary lady, spent some years among the wild tribes of Texas. None of her writings are known to be in existence, but she is quoted by Father Manzanet, in 1692, he having seen her report to the "Father Custodian of New Mexico." In this quotation, there is mention of the "Kingdom of the Theas," showing that the same tribes then inhabited this country which we found two hundred years after.

The French expedition of La Salle, in 1685, of which a narrative has survived, describes the Carankawas, and the Ceniz, a Caddo tribe on the Neches, at whose village the distracted Frenchmen were kindly treated.

Captain Francisco de Leon's expedition, in 1692, crossed Texas from the Rio Grande to Red river. The narrative by Father Manzanet, the missionary priest who accompanied it, gives a full account of the various tribes visited by them in "This province of the Texas, which by another name is called Acenay, and also some chiefs of the Cadodoches." The French governor, D'Iberville, about 1714, gives a list of tribes, in which the Caddos, Comanches, and Lipans, appear. From that time to the advent of the American settlers, a hundred years later, there is frequent mention of our tribes.

It is plain, then, that the aboriginal tribes which occupied Texas had come from widely different and distant localities, arriving in different ages, extending back some four centuries, and in all probability very many ages. There is nothing to indicate a common parentage but the race, while their languages, having no common radical words, show that their ancestors were aliens in extremely ancient times. Yet, all the tribes were organized on the same identical plan. There was but little difference in their low scale of advancement, yet there was a difference.

Taking a low tribe for an example, it was divided first into two bands, or brotherhoods. The members of each were prohibited from marrying in their own band, but had to seek husband or wife, as the case might be, in the opposite division. Thus the bands were continually changed and perpetually renewed. The Carankaways

were divided into two such bands, each with a chief. The only two of whom we have any knowledge did not agree in the policy they were to pursue toward the white people. But tribal law did not admit of separation; and the advocate of peace was overruled, and all involved in common destruction. The Tonkaways, also a tribe low in the social scale, had this division into two equal classes, but they had, also, as had many other tribes, a secondary division into classes, each of whom was designated by the name of some beast or bird, and had a chief. Theoretically, they were married by clans, though to all appearance they were individual families, each occupying a tent or hut. The affection of the men for their wives and children was to all appearance the same as in civilized nations. But their way of designating kinship showed that it was clanship. The children all belonged to the mother's clan. The mother's sister was not the aunt, but ranked as mother, and her children were brothers and sisters, not cousins; while the mother's brother was uncle, and his children cousins. The father's sister was aunt, and her children cousins of his children; but his brother was not uncle, but counted as father, and his children brothers and sisters. There was some property—a few utensils and horses—but, upon the death of the owner, his children did not inherit, because they did not belong to his clan; but his nephews and nieces inherited, because they belonged to his clan.

This curious arrangement preserved the equality of the members of the tribe, whose government was a pure democracy. The men of the nation assembled to discuss the policy of their small state in two bands, on either side of a council fire, or place marked as such, for it was often imaginary. The speeches were made by chiefs of clans, and the vote taken of all the men. Such a council they held in this city when it was a small group of cabins in the wilderness in 1841, upon the occasion of the death of a chief, to select a successor. Their sessions were long, and discussion very earnest. A delegation of Lipans, with whom they were in alliance, attended in some advisory capacity, and the election was at last satisfactorily adjusted.

The Caddo tribes had an identical organization, with the addition, perhaps, of more deference and ceremony in the treatment of the chiefs. As described by Manzanet in 1692, the principal chief of the Texas held a court, whose amusing state and ceremony sug-

gests children playing king and queen. Their councils were held in the same manner as those which I have just described, and questions of life and death were decided by a vote of the whole tribe. They had one law which I very much wish could be established in the land to which they have left their name. It was prohibited for any one in a quarrel (of which they had many) to strike a tribesman with a weapon. All their contests had to be settled with the fist. They had no dead-letter laws, and this one was, we are assured, effectively enforced. They had more property than other tribes; good huts, dress and ornaments, and some store of provisions. Manzanet, who passed some time at the village of the Texas in 1692, expressed surprise and perplexity at their rules of marriage and inheritance. Had he taken the pains to inquire, he would have found the same in all tribes of savages.

The Comanches were divided into ten clans, each with a chief, and they kept separate camps, but their law forbade them to marry in their own clan. They had a head chief over all, but their government was a pure democracy, and all questions were settled by a council, either of clan or tribe, according to the importance of the matter.

Such a council was held on the Staked Plain in 1843, to decide upon the fate of the ambassadors sent by President Houston to invite them to a treaty. About five hundred assembled, sitting in circles in a council tent. Each speaker, as his turn came to speak, delivered a vociferous oration in an invective tone, but never interrupted. When all who were entitled to speak (probably the clan chiefs) had spoken except the old head chief, the interpreter brought word to the ambassadors that all the speakers favored putting them to death. But the head chief, whose time it was to speak, remained silent, and no one moved or spoke from noon to 4 o'clock in the evening. Either he was pondering the weighty question, or seeking by this long silence to impress upon his audience the importance of the matter before them. Whatever might have been his motive, this long argument of silence has always impressed me as a notable example of mute eloquence. When he did speak, it was in a stentorian voice and long-continued. He succeeded in turning enough that when the vote was taken the ambassadors were spared.

In all Indian tribes, provisions were shared as long as there were

any in the camp; and they all fasted alike in case of need, and none went hungry if any of the tribe had provisions; and this rule extended to prisoners and enemies as well.

They were notoriously improvident and careless of the future. But their wandering life is chargeable with much of their improvidence; and, on the other hand, the fact that they hunted in parties, and could of right claim a share of the game taken each day, explains some of their willingness to divide provisions, which in some cases I saw were refused, and in others grudgingly given.

In the Comanche tribe, I think the children belonged to the clan of the father. They may have changed from one plan to the other. The clans would remain the same. It would favor the idea of property, and a tendency to recognize superior families, which in time might have progressed toward civilization. I do not know what the rule was in the other tribes, but believe they all recognized descent only from the mother.

It has been the commonly received theory that the Indian tribes by some intuition recognized the Creator, whom they worshiped as the Great Spirit. I could never verify this theory. In 1692, the Texas worshiped a deity whom they called "Ayemat Caddi," Chief Spirit, or Spirit of the Chief, Spirit of the Father of the Tribe—some traditional and probably fabled hero from whom they claimed descent. And such ancestor-worship existed wherever traces of it have been sought.

All tribes believed in a man's other self, which left him in sleep and wandered in the realm of dreams, returning when he awoke. Hence the impression that the other self could be recalled; and the custom in many tribes, among whom were the Tonkaways, to call the name of one recently dead, begging him to return and inhabit the body; which, in case of trance, must sometime have been verified after many hours of apparent death. So, also they buried provisions and weapons with the dead, believing that they took the spirit of those things with them. The Comanche, when lighting the pipe of peace at a treaty, blew the first puff of smoke towards the sun, the second to the earth, and the third to the air and sky, thus seeming to recognize spirits in those powerful elements.

It has been said that there was no moral element in their vague religious beliefs, but this must be taken with grains of allowance. The virtues of savages, courage and fidelity to the tribe, were, in

their belief, to be finally rewarded, and this belief must have reflected some influence on tribal society.

We may finally remark upon the persistence of the tribe. While there is a remnant of the tribe left, its members persist in maintaining its old tribal organization. There is no instance of a tribe, as such, adopting the political or social organizations of civilization.

The study of tribal society throws light on some subjects which have hitherto been dark to us. We are not yet removed by very many ages from the time when our ancestors had similar tribal organizations; and as we see our domestic animals repeating with amusing fidelity the precautions and preparations which their wild ancestors made for their surroundings, the reasons for which have wholly ceased, but the instinct remains, so we find our ignorant and simple-minded, or, as Carlyle says, "dim instinctive classes," continually proposing political measures, which probably served for small tribes of ancient savages, but are preposterous in civilized and modern nations.

EDITORS AND NEWSPAPERS OF FAYETTE COUNTY.

JULIA LEE SINKS.

The first newspaper established in Fayette county was called "The La Grange Intelligencer," published by James P. Longley, and edited by Wm. P. Bradburn, a gentleman of Nashville, Tenn., who had lived some time in Mexico.

Through the influence of James K. Polk, a friend of the family, he received the appointment of midshipman in the United States Navy, on board the old "Constitution." His uncle, General Bradburn, who figured in the early history of Texas, having no children of his own, persuaded him to resign his commission and accept his adoption as son and heir. Sudden death overtook the uncle before his affairs were legally adjusted in favor of the nephew, and the property passed into other hands. So Mr. Bradburn came to Texas, like many others, to seek fortune, and "The La Grange Intelligencer" was established by James P. Longley, in part to give him business, and in part to support General Burleson for the Presidency.

The paper did not come up to their expectations, and Mr. Bradburn removed to Louisiana, and settled in New Orleans, where he officiated at times as assistant editor of the New Orleans Tropic, Picayune, and Bulletin, so I am informed by his relatives.

In 1848, when political strife was running high, he was solicited by prominent men of Iberville parish to edit the Southern Sentinel, which, under his guidance, became a great favorite. He still owned and edited that paper when he died, leaving an estate valued at \$50,000.

The next person who edited the La Grange paper was a legal gentleman, Fields, who had very little editorial acumen. In fact, this editor of ours had hardly found his place in life. It was told of him that in the San Saba fight under Colonel Moore he stood behind a tree to shoot, and the tree was too small for the man, or the man was too large for the tree. In turning to load his gun, an unlucky shot hit him in the back. Enraged at this irony of fate, he lost all fear, and in stamping and cursing he ended this day of mar-

tial achievement. As an editor, extracts from other papers were the tree he hid behind to load his gun, his own ammunition falling short often. As to his legal attainments, his knowledge of courts must have been very small, for upon one occasion, when a judgment was rendered against him, he indignantly turned to the sheriff, and pointing to the judge, said, "Sheriff, arrest that man!" This circumstance was told the writer by Judge Devine, who was opposing counsel. After that, he went to the Congress of the Republic when it met in the town of Washington in 1843. So, you see, in those days we bestowed honors freely.

It will be seen that our editor was a brave but unfortunate warrior, the fates being against him; an editor whose chair of office, like the tree, could not screen him; a lawyer whose feats as a legal knight might rival Don Quixote in assumption, and whose wisdom as a legislator the archives of the Republic alone can tell.

The county paper passed into other hands, and the heading was changed to "The Far West," exact date unknown, for I have been unable to find a single copy of that paper. It was under the leadership of Mr. Wm. G. Webb, who informs me that all the files in his possession were consumed in the fire which destroyed a large portion of the southern side of the public square in La Grange.

Mr. Wm. G. Webb, editor of "The Far West," settled in La Grange from Georgia as a young lawyer. A man of cautious, persistent cast of mind, whose success as an editor must have been satisfactory, he became one of the leading attorneys at the La Grange bar, more from his thorough determination than from brilliancy, being not unlike one of Dr. Warren's characters, described as literally crawling over his cases until he mastered every point.

The next record of the newspapers of La Grange attainable was the "Texas Monument," which made its appearance July 20, 1850. It was published by a committee, incorporated by the Legislature of Texas, the proceeds, after the expenses were paid, to be appropriated to erecting a monument to the decimated Mier prisoners and the Dawson men, on the bluff opposite La Grange. The bill of incorporation was approved January 19, and the paper commenced in July, with the late Colonel Dancy as editor, and Mr. Launcelot Abbott as publisher. It was an ably conducted paper; would stand fair, very fair, as a county paper among the present journals of the State. There was the record of much patriotism and very little

crime, that great deformity of the issues of the present day. Under the supervision of Colonel Dancy, who filled the editorial chair for a year, it was in all respects a success. Having to incur a debt of \$1400 for press and material, at the close of the first year it was almost liquidated, according to an editorial written by himself before resigning, and the aim was then to devote the proceeds, beyond the expenses, to the building of the monument. It was greatly to be regretted that the paper lost the energy and enthusiasm of Colonel Dancy, for in the hands of his successor, Mr. J. H. Kuykendall, who was quite as capable, but in bad health, the paper began to decline. He had been, in 1840, a representative from one of the lower counties in the Congress of Texas, and was hailed as a successor to Colonel Dancy, but from ill health he soon wearied of it and resigned.

The next person who took charge of the paper was Dr. Wm. P. Smith, traveling agent and correspondent for the paper—an old citizen of the county. I am unable to find files of that paper to give exact dates, but tradition places him in the editorial chair, not long perhaps, for near this time (1853) it was ably edited by Mr. Albert Posey, a young gentleman from Alabama, of fine cast of mind and cultivation, who left a strong impression on the minds of those who knew him. He died young.

Dr. Smith took an active part in consolidating the three charters—spoken of elsewhere—which formed the foundation of the Rutersville Military School.

October 24, 1854, Mr. A. R. Gates became proprietor and editor of the paper, still called "The Monument." He was a native, I believe, of Alabama; had not long been in the country; was an educated, well read, but rather silent man.

In 1855, "The Monument" merged into "The La Grange Paper," edited by Mr. Wm. B. McClellan, who in an editorial in his first issue said the monumental committee had long since abandoned the idea of sustaining the press for the noble purpose for which it was originally procured. Alas!

As "The La Grange Paper," it lasted but a short time, though the editor, Mr. McClellan, had a bright style of handling ordinary subjects, a happy faculty for county newspapers. He was a good man and was loved best by those who knew him best.

October 6, 1855, the "True Issue" made its appearance; Mr. B.

Shropshire and R. M. Tevis as editors and proprietors. They had purchased the printing press and material of the La Grange Paper.

February 2, 1856, Mr. Shropshire and Mr. Gossler had charge of the "True Issue." Mr. B. Shropshire, editor of the "True Issue," was long a resident of La Grange, practiced law at that bar, was of fine appearance, popular manners, and a progressive cast of mind. He was district judge when he died, in 1867. With him at first was Mr. Tevis, who, I believe, still practices law in Galveston. Mr. Gossler was for a long time connected with the newspaper of La Grange.

In 1861, the old Monument press was sold by Mr. Gossler, who had become sole proprietor, to Mr. J. V. Drake, who issued a paper from the old press called "The Observer."

THE EXPULSION OF THE CHEROKEES FROM EAST TEXAS.

JOHN H. REAGAN.

In the first half of the year 1839 the Cherokee Indians occupied that part of Texas which is bounded on the east by the Angelina river, on the west by the Neches river, on the south by the old San Antonio road, and on the north by the Sabine river. What is now Cherokee and Smith counties covers substantially the same territory. At that time, the Shawnee Indians occupied what is now Rusk county, their principal village being near where the town of Henderson is now situated. The Delaware Indians then lived in the eastern part of what is now Henderson county. Less than two years before that time, the Kickapoo Indians lived in the north-eastern part of what is now Anderson county; and in a hotly contested battle between them and their Mexican allies and the Texans, they were defeated and driven from that part of the county. The whites charged the Cherokees with stealing their horses and with an occasional murder of white people. This their Chief Bowles denied; and alleged that the thefts and murders were committed by wild Indians, who came through his country. But in 1838 the Cherokees murdered the families of the Killoughs and Wilhouses, several in number, and broke up the settlement of whites in the vicinity of Neches Saline, now the northwest part of Cherokee county. There was no question about these murders being committed by the Cherokees, and that Dog Shoot, one of their head men, led in this massacre. Complaints of thefts and murders by the Cherokees became so numerous, and were so authenticated, as to cause the President of the Republic, General M. B. Lamar, to send a communication to Chief Bowles, through the Indian agent, Martin Lacy, Esq., making certain recitals evidencing hostility to the white people. Among the facts so recited, as I remember them, one was that in the year 1836, when the people of Texas were retreating from their homes before the advancing army of the Mexican general, Santa Anna, he, Chief Bowles, assembled his warriors on the San Antonio road, east of the Neches, for the purpose

of attacking the Texans if they should be defeated by Santa Anna. Another was that, in the preceding January, 1839, General Burleson had captured some Cherokees on the upper Colorado, on their return from the City of Mexico, accompanied by some Mexicans, and bearing a commission to Chief Bowles as a colonel in the Mexican army, and a quantity of powder and lead, and instructions for his co-operation with the Mexican army, which was to invade Texas during the then coming spring. President Lamar also called attention to the murders and thefts which had been committed on the people of Texas by the Cherokees; and upon these statements, said to Chief Bowles that Texas could not permit such an enemy to live in the heart of the country, and that he must take his tribe to the nation north of Red river.

President Lamar in that communication said to Chief Bowles that he had appointed six among the most respectable citizens of the Republic, and authorized them to value the unmovable property of the Cherokees, which was understood to be their improvements on the land, but not the land, and to pay them for these in money. I knew some of these men at the time as most worthy citizens. One of them was Judge Noble, of Nacogdoches county. The President also said to them that they could take all their movable property with them and go in peace, but that go they must; peaceably if they would, but forcibly if they must.

It is proper for me to say that I have seen, in the State Department, a paper purporting to be a communication from President Lamar to Chief Bowles, supposed to be the one announcing his views as to the necessity of the removal of this tribe. Dr. W. G. W. Jowers and myself, and one Cordra, a half-breed, accompanied Mr. Lacy, the Indian agent, when he took the President's communication to Bowles. Cordra went along as interpreter, as Bowles could not speak English and the agent could not speak the Cherokee language. Dr. Jowers was afterwards a member of the House of Representatives and of the Senate of Texas several times. The paper then read and interpreted to Chief Bowles contained, in substance, what I have said, and is very different from the paper in the office of the Secretary of State. Indian Agent Lacy lived on the San Antonio road about six miles east of the Neches river. Chief Bowles lived about three miles north of Mr. Lacy.

When we reached the residence of Bowles, he invited us to a

spring a few rods from his house, and, seated on a log, received the communication of the President. After it was read and interpreted, he remained silent for a time and then made a denial of the charges contained in that communication, and said the wild Indians had done the killing and stealing, and not his people.

He then entered into a defense of the title of his tribe to the country which they occupied, as I have described it. He said that after his band separated from the old Cherokee nation, they, under him as their chief, settled at Lost Prairie, north of Red river, now in Arkansas; that after living there for a time, they moved to the Three Forks of the Trinity river, now Dallas and the surrounding counties; that he had intended to hold that country for his tribe, but that the other Indians disputed his right to do so, and claimed it as a common hunting ground; that he remained there with his tribe about three years, in a state of continual war with the other Indians, until about one-third of his warriors had been killed; that he then moved down near the Spanish Fort of Nacogdoches (I use his expression); and that the local authorities permitted him to occupy the country which his tribe then occupied; that he then went to the City of Mexico, and got the authority of the Mexican government to occupy that country, and that during the Revolution of 1835-36 the Consultation representing Texas recognized his right to that country by a treaty.

It is proper here to state that the Consultation did appoint General Houston and Colonel Forbes, and authorized them to make a treaty with the Cherokees. I am not informed as to the extent of the powers conferred on them for that purpose. A treaty was agreed to between them and the Cherokees, and reported to the Consultation, which adjourned without ratifying the treaty so made; and it, with its powers, was superseded by the Convention, which formed the Constitution of the Republic; and that Convention rejected the treaty which had been agreed to by General Houston and Colonel Forbes. That is the treaty to which Chief Bowles referred. So that the Cherokees had no higher title to the country they then occupied than the privilege of occupancy during the pleasure of the sovereign of the soil.

After his statement as to the right of his tribe to that country, Chief Bowles stated to Mr. Lacy that he had been in correspondence with John Ross, the chief of the original tribe of Cherokees,

for a long time, looking to an agreement between them to unite the two tribes and go to California, and take possession of a country out of the reach of the white people. It will be remembered that this was about ten years before the cession of California by Mexico to the United States, and when but little was known of that country by our people. And he offered to produce and have read to Mr. Lacy a bundle of letters on this subject, which he said was as large as his thigh. Mr. Lacy waived the necessity of their production, saying that the statement of Chief Bowles was sufficient on this subject. Chief Bowles then said that he could not make answer to the communication of the President without consulting his chiefs and head men, and requested time to convene his council. Thereupon it was agreed between them to have another meeting a week or ten days later (I do not remember the exact length of time), to give time for the council of the Cherokees to meet and act.

On the day appointed, Agent Lacy returned to the residence of Chief Bowles, accompanied by Cordra, the interpreter, and by Dr. Jowers and myself. We were again invited to the spring, as upon our first visit. The grave deportment of Chief Bowles indicated that he felt the seriousness of his position. He told Mr. Lacy that there had been a meeting of the chiefs and head men in council; that his young men were for war; that all who were in the council were for war, except himself and Big Mush; that his young men believed they could whip the whites; that he knew the whites could ultimately whip them, but that it would cost them ten years of bloody frontier war. He inquired of Mr. Lacy if action on the President's demand could not be postponed until his people could make and gather their crops. Mr. Lacy informed him that he had no authority or discretion beyond what was said in the communication from the President. The language of Chief Bowles indicated that he regarded this as settling the question, and that war must ensue. He said to Mr. Lacy that he was an old man (being then eighty-three years of age, but looking vigorous and strong), and that in the course of nature he could not live much longer, and that as to him it mattered but little. But he added that he felt much solicitude for his wives (he had three) and for his children; that if he fought, the whites would kill him; and if he refused to fight, his own people would kill him. He said he had led his people

a long time, and that he felt it to be his duty to stand by them, whatever fate might befall him.

I was strongly impressed by the manly bearing and frankness and candor of the agent and the chief. Neither could read or write, except that Mr. Lacy could mechanically sign his name. And during their two conferences they exhibited a dignity of bearing which could hardly have been exceeded by the most enlightened diplomats. There was no attempt to deceive or mislead made by either of them.

The whites on the one side and the Indians on the other at once commenced preparations for the conflict. Chief Bowles took his position east of the Neches river, in the northwest corner of what is now Cherokee county, concentrating his warriors and collecting his families there. He was joined by the Shawnees, the Delawares, and by warriors from all the wild tribes of Indians, and there were at that time a good many of them. Colonel Rusk, with a regiment of volunteers, was first in the field on the side of the Texans. Vice President Burnet, then Acting President of the Republic (President Lamar, with the leave of Congress, was temporarily absent from the Republic), General Albert Sidney Johnston, the Secretary of War, and Adjutant General Hugh McLeod, accompanied this regiment. It went into camp about six miles to the east of Bowles' camp, and for ten days or more negotiations were carried on between the belligerents, Bowles negotiating to gain time to collect the warriors from the wild tribes, and the Texans negotiating to gain time for the arrival of Colonel Burleson's regiment of regulars from the west, and Colonel Landrum's regiment of volunteers from the red lands.

During this time an incident occurred which might have been of a very serious character. A neutral boundary had been agreed on between the belligerents, and the men of neither side were to pass it without notice. Acting President Burnet, the Secretary of War, Adjutant General McLeod, Colonel Rusk, and a few others, had gone to the camp of the Indians, under a flag of truce, to conduct negotiations, as they had done on previous days. Colonel Jim Carter and a few others, acting as scouts, found John Bowles, a son of the chief, and a few other Indians, who had passed the neutral boundary, and gave chase for them. The Indians escaped, and when they reached their camps reported that they had been run in

by the Texans. This caused violent excitement among the Indians, and the gentlemen named reported that it seemed for a time that they were to be attacked by the Indians, in which event their massacre would have been inevitable. But explanations were made, which allayed the excitement. At the subsequent meetings for negotiation, the Texas officials took with them an escort of thirty picked men. An agreement was made that neither party was to break up camp or make any move without giving notice to the other party. On the 13th or 14th of July, Colonel Burleson's regiment of regulars, and Colonel Landrum's regiment of volunteers, reached the camp of the Texas forces. And early on the morning of the 15th Chief Bowles sent his son, John Bowles, accompanied by Fox Fields, under a flag of truce, to notify the Texans that he would break up camp that morning and move to the west of the Neches river. On reaching headquarters under a flag of truce, they delivered their message to General Johnston, and having done so, inquired if they could return in safety. They both spoke English very well. General Johnston told the messenger that his father had acted honorably in giving the notice according to agreement, and that he would see that they had safe conduct out of our camp; and he detailed a number of men, with orders to see them safely a half mile beyond our line of pickets. He also told them to inform Chief Bowles that the Texas forces would break up camp that morning and pursue him.

On the assembling of this little army of three regiments, the volunteers wanted Colonel Rusk for their commander, while the regulars preferred Colonel Burleson for that position. These two patriots and heroes of the Revolution, which made Texas a Republic, did not desire to antagonize each other, and either of them was willing that the other should command. But it was agreed to solve the question by having General Kelsey H. Douglass elected as brigadier general and placed in the chief command. And when this army broke up its camp on the morning of the 15th of July, 1839, to pursue the Indians, Colonel Landrum was ordered to move up on the east side of the Neches river, and be in position to intercept the Indians if they should turn northward, as it was expected they would. The regiments of Colonel Rusk and Colonel Burleson moved to the west, passing through the camp which had

been occupied by the Indians, and crossing the Neches on their trail.

Chief Bowles had taken position on a creek some six miles west of the Neches with a part of his warriors, and had sent the families with the balance of the warriors to a position about six miles north of where he made this stand. His men occupied the bed of a creek, which, running from north to south, made a sudden bend to the east, and his position was immediately above this bend.

After the Texans crossed the Neches, scouts were thrown forward, with directions if they found the Indians in position to give battle, to keep up a desultory firing at long range, without exposing themselves too much, so as to give notice of the position of the Indians. As the command advanced, and when the firing of the scouts was heard, Colonel Rusk's regiment was ordered to advance on the north side of the creek they were on, and Colonel Burleson's regiment was ordered to cross the creek and advance on the south side of the creek, so as to put the Indians between these regiments. When the troops reached the bend of the creek, which was the extreme right of the line occupied by the Indians, Rusk's regiment wheeled to the right and formed in front of the Indians, while Burleson's regiment turned to the right and passed up into the rear of the Indians. This was an hour or two before sundown. A battle ensued, which, however, did not last long. Dr. Rogers and Colonel Crain were killed, and some six or eight Texans were wounded; and it was reported that the Indians left eighteen dead on the field, and the remainder of them were routed and joined the others some six miles to the north, near the Neches, and just north of the Delaware village. The Texans camped for the night near the battlefield. And fearing that the Indians might break up into small bands and attack the more exposed frontier settlements, a number of squads were detached from the command and ordered to proceed to the exposed parts of the frontier to defend the families of the whites.

On the morning of the 16th of July, the Texans, thus reduced in number, took up the line of march in pursuit of the Indians, and found them, soon after passing the Delaware village, in a very strong position. They occupied a long ravine, deep enough to protect them, with gently sloping open woods in front of them. Our line of battle was formed on a low ridge in front of them, and skir-

mishers thrown forward, who were at once engaged with the skirmish line of the Indians. Every sixth man of our command was detailed to hold and guard our horses. This, with the details sent away the night before, had considerably reduced our fighting force, and we were confronted by the entire force of the Indians, which, from the information we afterwards received, considerably outnumbered the Texans who participated in the battle.

The scene at that time made a very vivid impression on my young mind. The Delaware village, in our immediate rear, was wrapped in flames, and the black columns of smoke were floating over us; the skirmishers were fighting in front of us, and our line of battle advancing to the conflict.

The battle lasted about two hours. We had six men killed and thirty-six wounded. The Indian loss was very much greater. During this engagement Chief Bowles was a very conspicuous figure. He was mounted on what we call a paint horse, and had on him a sword and sash, and military hat and silk vest, which had been given to him by General Houston. And thus conspicuously mounted and dressed, he rode up and down in the rear of his line, very much exposed during the entire battle. Our officers two or three times ordered the men to advance nearer the line of the Indians, and then would order them to fall back, in the hope that in this way the Indians might be drawn from their strong position. And just as this was done the last time, word ran along our line that the Indians were in our rear getting our horses. This came near producing a panic. Colonel Len Williams and Ben A. Vansickle, who were with us, and who understood and could speak the Cherokee language, told us that at that time they could hear Bowles, who was urging his warriors to charge, and telling them that the whites were whipped if they would charge.

When at last the Indians retreated, Chief Bowles was the last one to attempt to leave the battlefield. His horse had been wounded many times, and he shot through the thigh. His horse was disabled and could go no further, and he dismounted and started to walk off. He was shot in the back by Henry Conner, afterwards Major Connor; walked forward a little and fell, and then rose to a sitting position facing us, and immediately in front of the company to which I belonged. I had witnessed his dignity and manliness in council, his devotion to his tribe in sustaining their decision for

war against his judgment, and his courage in battle, and, wishing to save his life, ran towards him, and, as I approached him from one direction, my captain, Robert Smith, approached him from another, with his pistol drawn. As we got to him, I said, "Captain, don't shoot him," but as I spoke he fired, shooting the chief in the head, which caused instant death. It ought to be said for Captain Smith that he had known of the many murders and thefts by the Indians, and possibly did, in the heat of battle, what, under other circumstances, he would not have done, for he was esteemed as a most worthy man and citizen.

The families of the Indians were camped in the Neches bottom, in thick woods. After the battle, our command camped at the edge of the bottom very near the Indians, but made no attack on them. That night we could hear the hum and bustle of their camp the greater part of the night, and the next morning they were gone in the direction of the Grand Saline, in what is now Van Zandt county; and while our troops followed them to the Grand Saline, they did not overtake them.

Colonel Landrum, it was said, was misled by his guide and did not reach the balance of the command until after the battles. The Indians dispersed, some going to the cross timbers, some to the north of Red river, and some to Mexico. A year or more later—I do not remember the precise date—the wives and some of the children of Chief Bowles came to the Rio Grande at Laredo, and asked permission to pass through Texas on the way to the Cherokees north of Red River, and President Lamar granted their request, furnished them an escort, and transportation and rations, on their way through Texas. I saw them on the San Antonio road east of the Neches.

Whatever apology may be necessary for the imperfections of this paper may be found in the fact that it has been very hurriedly prepared, under a constant pressure of very exacting official duties, without time for careful revision.

In order to avoid egotism, I omit the mention of a number of incidents, which might be of interest as personal reminiscences.

JOHN CRITTENDEN DUVAL: THE LAST SURVIVOR OF
THE GOLIAD MASSACRE.

WILLIAM CORNER.

In the fall of 1835 the Texans had made the first Declaration of Independence. War was begun with the incident at Gonzales. Austin had declared that "War is our only recourse. There is no remedy. We must defend our rights, ourselves and our country by the force of arms." There had been engagements with the enemy at Goliad and at Concepcion, and San Antonio was being besieged. Similar sentiments to those of Austin had been expressed by several Committees of Safety. At a general Consultation of Delegates from the various Districts there had been made a solemn Declaration of Rights. Officers of a Provisional Government had been elected, and a regular army had been planned and organized. Events of great significance had followed, and were to follow, each other in rapid succession. Everything was stir, activity, and expectation. There was a new order of things at hand.

And these matters had been noised abroad in the United States. The National enthusiasm and sympathy was almost entirely with the Colonists. In the Southern States that sympathy took the form of an earnest desire to help the struggling Texans in a material way. There was a song of arms and of men. There had been intimations from the Colonists that arms and men might be badly needed. New Orleans was the first to send a company of volunteers. Georgia quickly followed with another, and Kentucky with yet another. It seemed merely a matter of geography as to who should be first in the field. Many other companies were formed of foreign material already on hand.

The Kentucky company was organized at Bardstown, Kentucky, in November, 1835. Burr H. Duval was its elected captain. They marched to Louisville, sailed down the Ohio and Mississippi rivers to New Orleans, and in a couple of weeks or so were at the mouth of the Brazos.

All these volunteers brought with them a magnificent enthusiasm, such as was exhibited by the Georgians in a letter to Fannin, on their arrival at Velasco. They were almost all of them animated

with one prime idea, to fight for their kindred, and the secondary consideration, if they should be on the winning side, of prospective homes and rewards. Travis finely put these ideas, besides other thoughts more glorious still, into words: "Take care of my little boy. If the country should be saved, I may make him a splendid fortune; but if the country should be lost and I should perish, he will have nothing but the proud recollection that he is the son of a man who died for his country." The volunteers came, believing that the colonists stood shoulder to shoulder with an enthusiasm equal to their own. They were ignorant of the already manifested local politics. Thus early in the day there were factions, jealousies, and worse to follow, conspiracy, treason, disobedience, and incapacity, an evil distemper to which most of them were to fall victims,—a shuffling faithlessness to which they were to be sacrificed. These intrigues and dissensions, this want of unity of purpose, began to discover itself to the new arrivals, and in short order they were themselves affected. Fannin above everything had entreated discipline, discipline he was not quick to exercise on himself. It was a house divided against itself, and there is small wonder that there came a crash. Alas, the sad lessons they were to learn!—lessons by which they would never profit, but which were destined to give the surviving elements a singleness of purpose, the destruction, in succession, of the forces of Johnson and Grant, King, Ward, and Fannin's own—and the sacrifice of the men in the Alamo. In the halt between opinions, Travis and his men, in the Alamo, touched the topmost note of heroism.

Yoakum says that Fannin was complaining much, "and with justice, of the apathy of the Texans in not turning out more willingly to meet the enemy at the frontier, and stated the fact that he could not find a half-dozen Texans in his ranks;" while Houston had said of the *volunteers*, "Better material never was in ranks." Captain Burr H. Duval strongly states, on March 9th, that not *one* Texan had "yet made his appearance at this post" (Goliad). But I will here give in full that letter to his father, which I have the privilege of making public for the first time. I recommend it for study, for it throws an interesting side-light on the unfortunate state of affairs:

[The following is a copy of a letter written by Burr H. Duval to his father, William P. Duval, Governor of Florida, dated March 9th, 1836, eighteen days prior to his death at the Goliad massacre,

March 27, 1836. This copy is verbatim et literatim. The original is written on cream-laid quarto letter-fly. The edges of the sheet indicate that the paper is hand-made. The hand-writing is good, firm, and neat. The last page contains no part of the body of the letter, but was left blank, as was the early fashion, to form the envelope by folding and to receive the address, post-marks, etc. A copy of the latter is here made at the end of this copy of the letter.]

Goliad, March 9th, 1836.

Dear Father,

It has been some time since I have had an opportunity of writing to you, A gentleman leaves here to day for the U. States but have my doubts if he gets fifty miles from this post as we are surrounded by Mexican troops— By last express, yesterday, from San Antonio we learned that their [our¹] little band of 200 still maintained their situation in the Alamo, the fort outside of the town— They have been fighting desperately there for 10 or 15 days against four or five thousand Mexicans Santa Anna is there himself and has there and in this vicinity at least six thousand troops— Contrary to the expectation of every one he has invaded the Country when least expected— Not a Texian was in the field, nor has even *one* yet made his appearance at this post— The greater portion of the Mexican troops are *mounted*, and of course have greatly the advantage over us— We now muster at this post 400 strong, and from the preparations we have made shall be enabled to give *any* number a desperate fight— San Antonio I fear has fallen before this;—from its situation and construction, I cannot believe it possible so small a band could maintain it against such fearful odds— D. Crockett is one of the number in the fort— We are expecting an attack hourly. An express yesterday was chased in by 200 cavalry eighteen miles from this— Sixty miles south of this is another party of 650 who have been quartered at San Patricio for some days, waiting reinforcements. Several of our parties of 20 and 30 have been cut off by them—As I anticipated, much dissension prevails among the Volunteers, Col. Fannin, now in command (Genl. Houston being absent), is unpopular— and nothing but the certainty of hard fighting, and *that shortly*, could have kept us together so long— I am popular with the army, and strange as you may think it could lead them or the majority of them where I choose— They have offered to give me every office from a Majority to Comdr. in Chief— I have seen enough to desire no office for the present in Texas higher than the one I hold—

¹"Our" is written over "their."

I have fifty men in my Company, who love me and who cannot be surpassed for boldness and chivalry— With such a band I will *gain* the laurels I may wear or die without any— I am situated at present with my company, in a strong stone house immediately across the street and opposite one of the bastions of the fort— from the bastion I have built a Bridge to the top of the house on which is placed a Brass Six Pounder—the best and most commanding situation we have—before I am driven from it hundreds must perish— I have seen something of the country since I last wrote you having been out for some days at a time on several expeditions— It is decidedly a richer country than I expected to find, and must be more healthy than any other southern country— at least this part of it— the country is high and dry tho generally level and the rivers, at least this, the San Antonio, descends with the velocity of a mountain stream— In many parts water and timber is too scarce, and the Northern winds are frequent and last from one to three days blowing with great violence. The climate of Florida I think is greatly preferable, but it can not be compared to this in point of soil— We have just learned from Washington (the seat of Govt. that they have declared Independence— If such be the fact of which I have no doubt—we *must* whip the Mexicans— For young men who wish to acquire distinction and fortune now is the time— Tell all who are friendly to the cause of Texas to lend a helping hand and that quickly, The little band of Volunteers now in the field must *breast* the storm and keep a powerful army in check until relief is at hand or all is lost— We want *provisions arms & men*. I have never seen such men as this army is composed of— no man ever thinks of retreat, or surrender, they must be exterminated to be whipped— Nothing can depress their ardour— we are frequently for days without anything but Bull beef to eat, and after working hard all day could you at night hear the boys crowing, gobbling, barking, bellowing, laughing and singing you would think them the happiest and best fed men in the world—

Do all you can for Texas—

Yr. affectionate son

B. H. Duval.

N. B—

If there sh¹ in
my letter that could benefit Texas make
it public—

To His Excely,
Wm. P. Duval.

¹The paper of the letter is here broken.

The letter is addressed and stamped as follows:

For			
(Postmark)	His Excellency—	(Postmark undecipherable, but looks like)	
NEW ORLEANS, La,	Wm. P. Duval	22 A P	
Apr			(in writing)
19	Tallahassee		25
	Florida		

The letter was wafered with a red wafer.

Ten days after that was written a finger of the hand that penned it was shot away by a Mexican bullet, and Captain Duval had heard at the Battle of Coleto (in the words of his brother) "Bullets singing like mad hornets around" him. Eighteen days after, the writer was dead, lying amidst "the pallid upturned faces of his murdered companions." In the meantime, he had learned that human hope is oftentimes dust and ashes, that human trust is a broken reed, that a man may gain laurels, as he did, and die in the winning, and that there is a limit to the bravest man's endurance.

The Battle of Coleto was a hard fight against overwhelming odds; it was not lost, if lost at all, for want of gallantry, unless it was the lack of valor displayed by the troop of horsemen under Horton. Had these men made a dash through the lines to their comrades it is more than likely a retreat to the timber on the Coleto might have been effected. The conduct of this troop, at any rate, suffers in comparison to that of the Gonzales troopers who joined the devoted band in the Alamo but five days before that post fell. The retreat of Horton's company cut off the possibility of moving the wounded, for the beset lost their teams during the fight. A fatal mistake, not the first by a long list, had been made in halting in the open and on ground that was wholly unsuited for defense. The moment needed a hero of action—a leader, who, like Travis, could fire even worn-out men with the idea that surrender was out of all question. On the testimony of Duval, they would have needed but little persuasion, they had the spirit, "they must be exterminated to be whipped." Such errors as those which divided the force—the failure to relieve Travis, the tardy obedience of orders

to retreat, the halting in the prairie—were now followed by the error of surrender. The result is an exceeding great pity for their fate; but the glory of the Alamo, which they might, at least, have shared, is not theirs.

Such of the force, with a few exceptions, as were able to march, were taken heavily guarded to Goliad. Carts, in the next few days, returned for the remainder, mostly wounded. The men believed that they had made an honorable surrender, and that they were to be treated as prisoners of war. But they had Santa Anna to deal with, a man of great vanity, and him they did not understand. The seriousness with which Santa Anna took himself would be amusing if the results had not been so tragic. He thought that his puny campaign and battles were of Napoleonic importance. He was a Dictator; obstacles must be swept from his path. What were the lives of ordinary men to the will of a genius? These prisoners were a drag on his advance, they needed a large guard, they were an expense. He perhaps stored up a diplomatic excuse, a mental reservation or two; his government's resolution that invaders should be treated as pirates, attachment of blame to an inferior officer—anything would suffice, for he never really expected to have to render an excuse to the world, least of all to Houston. If he were but swift enough, *all* the enemy would melt before him as these were doomed to do. He measured Anglo-Saxon resistance by a Mexican standard. He did not understand that these very atrocities of his were the agent that would sharply bring these men to act as one, that the sting of that insolence would cause them to forget every other consideration and difference in the determination to wipe out the shame of it. Houston answered the excuse that Santa Anna, after all, was obliged to make to him, "But you are the government; the dictator has no superior."

So the order was issued by Santa Anna that these prisoners were to be done away with. Not the first in command, not Urrea was to be executioner; they had not time to attend to such details. It was left to the Commandant, and after it was done, this sensitive Mexican wrote to General Urrea to say that he was very much distressed, and that he did not want any more of the like work, he was not a public executioner. The prisoners in the meantime did not understand Santa Anna! They had been beginning rather to look forward to being sent home. A remnant of their

late comrades, Ward's men, had been returned to Goliad after surrendering near Victoria.

I have gone over these events, thus far, in order briefly to trace how John C. Duval, a lad of scarcely twenty years, and his brother's company, came to be of "Fannin's men," at Goliad on Palm Sunday, March 27, 1836.

It is not my purpose to go into a detailed account of that awful crime, the Goliad massacre. Those details are to be found, graphically told, in the reports of Dr. Barnard and Dr. Shackelford.

On this Sunday morning at daybreak the preliminary work began. Miller's men, with their white bandaged arms, Dr. Barnard, Dr. Shackelford, and Dr. Field were ordered out by Colonel Garay (who seems to have been a merciful man, and who at heart detested the crime that was about to be committed) to his quarters in a peach orchard nearly a quarter of a mile from the fort, and from that point Dr. Barnard and his companions shortly learnt by the sound of musketry volleys and the yells of the victims, of the bloody work that was in hand. Garay coming up at that moment, says Barnard, "With the utmost distress depicted on his countenance, said to us: 'Keep still, gentlemen, you are safe. This is not from my orders, nor do I execute them.' He then informed us that an order had arrived the preceding day to shoot all the prisoners, but that he had assumed the responsibility of saving the surgeons and about a dozen others." Señora Alvarez saved still others.

Altogether, there were spared thirty souls (Brown gives a list of names). There escaped by flight while the massacre was being consummated about thirty more. Yoakum gives twenty-seven escaped, Brown gives twenty-eight; but there are three names in Brown's list not in Yoakum's and three in Yoakum's not in Brown's. There were some few spared in every company, but from some companies not a soul escaped. John Duval would himself have been *spared* could he have been persuaded to declare himself a Catholic to one of the Mexican officers who took a fancy to him.

Companies.	Spared.	Escaped.
Staff	2	0
Captain King's	1	0
Captain Bullock's	4	3
Captain Winn's	1	0
Captain Wadsworth's	5	1
Captain Ticknor's	2	0
Captain Shackelford's	1	(Capt. S.) 5
Captain Burr H. Duval's.....	1	5
Captain Pettus'	2	6
Captain Burke's	3	3
Captain Wyatt's	1	1
Captain Westover's	3	0
Unattached	2	5
Can not be placed (Brown).....	2	0
Can not be placed (Yoakum).....	0	1
	<hr/> 30	<hr/> 30

This list is as near right as it is possible to make it. In the lists there are many discrepancies and misspelling of names, but by comparison and checking this is the result.

Fannin, who had been wounded at Coleto, was shot in the fort, and he met his death like the brave man that he was. The rest of the wounded were dragged from the hospital to the fort and there butchered. There were killed, that day, in cold blood, nearly four hundred men.

Brown says three hundred and ninety, and that there was a total of 526 killed altogether, in the few weeks, out of Fannin's little force. "Absolute accuracy is an impossibility, but (referring to his tables) these figures are close approximation thereto. Add to the 526, 183 who perished in the Alamo, and we have a total of 709 men lost from February 27 to March 27th—an appalling loss in view of the weakness of the country."

This is John C. Duval's description of that dreadful Sunday morning's work.¹

"On the morning of the 27th of March, a Mexican officer came to us and ordered us to get ready for a march. He told us we were to be liberated on 'parole,' and that arrangements had been made

¹Page 53, "Early Times in Texas."

to send us to New Orleans on board of vessels then at Copano. This, you may be sure, was joyful news to us, and we lost no time in making preparations to leave our uncomfortable quarters. When all was ready we were formed in three divisions and marched out under a strong guard. As we passed by some Mexican women, who were standing near the main entrance to the fort, I heard them say, 'pobrecitos' (poor fellows), but the incident at that time made but little impression on my mind. One of our divisions was taken down the road leading to the lower ford of the river, one upon the road to San Patricio, and the division to which my company was attached along the road leading to San Antonio. A strong guard accompanied us, marching in double files on both sides of our column. It occurred to me that this division of our men into three squads, and marching us off in three directions, was rather a singular manoeuvre, but still I had no suspicion of the foul play intended us. When about half a mile above town, a halt was made and the guard on the side next the river filed around to the opposite side. Hardly had this manoeuvre been executed when I heard a heavy firing of musketry in the directions taken by the other two divisions. Some one near me exclaimed, 'Boys, they are going to shoot us!' and at the same instant I heard the clicking of musket locks all along the Mexican line. I turned to look, and as I did so the Mexicans fired upon us, killing probably one hundred out of the one hundred and fifty men in the division. We were in double file, and I was in the rear rank. The man in front of me was shot dead, and in falling he knocked me down. I did not get up for a moment, and when I rose to my feet I found that the whole Mexican line had charged over me, and were in hot pursuit of those who had not been shot and who were fleeing towards the river about five hundred yards distant. I followed on after them, for I knew that escape in any other direction (all open prairie) would be impossible, and I had nearly reached the river before it became necessary to make my way through the Mexican line ahead. As I did so, one of the soldiers charged upon me with his bayonet (his gun, I suppose, being empty). As he drew his musket back to make a lunge at me, one of our men, coming from another direction, ran between us and the bayonet was driven through his body. The blow was given with such force, that in falling, the man probably wrenched or twisted the bayonet in such a way as to prevent the Mexican from withdrawing it immediately. I saw him put his foot upon the man, and make an ineffectual attempt to extricate the bayonet from his body, but one look satisfied me, as I was somewhat in a hurry just then, and I hastened to the bank of the river and plunged in. The river at that point was deep and swift, but not wide, and being a good swimmer, I soon gained the opposite bank, untouched by any of the bullets that were pattering in the

water around my head. But here I met with an unexpected difficulty. The bank on that side was so steep I found that it was impossible to climb it, and I continued to swim down the river until I came to where a grape vine hung from the bough of a leaning tree nearly to the surface of the water. This I caught hold of and was climbing up it hand over hand, sailor fashion, when a Mexican on the opposite bank fired at me with his escopeta, and with so true an aim that he cut the vine in two just above my head, and down I came into the water again. I then swam on about a hundred yards further, when I came to a place where the bank was not so steep, and with some difficulty I managed to clamber up."

The following is a summary of many actual dates and some approximate dates of the movements of John C. Duval from the time of his departure from Bardstown, Ky., November, 1835, to his arrival at the Brazos river and the Texan camp in May, 1836:

1835.

November.—He joined, for service in Texas, a Volunteer Company under the Command of his brother, Burr H. Duval, afterwards killed in the Goliad Massacre.

—The Company left Bardstown "the latter part of November" and after a two days' march reached Louisville.

—Next day they took a steamer for New Orleans.

December.	{	—Five days later they arrived at New Orleans.
		—They immediately left New Orleans, on a schooner, in tow, and via South Pass reached the Gulf.
		—They set sail from South Pass for the port of Velasco, Texas. This was a seven days' sail.
		—On the eighth day they anchored in the mouth of the Brazos River, landing at Quintana.
		—They remained encamped "two weeks or more" at Quintana. They here made the acquaintance of Brutus and Invincible, warships of the little Texan Navy.

1836. { —The Company entered for Marine Service on board
Invincible. They sail in search of the Mexican
Warship Bravo.
—After an unsuccessful cruise, they return to camp
at Quintana.
—A day or two after they are ordered to Copano.
—Invincible takes them to "Matagorda Island."
January and February. { They remain several days there. Then they embark
on a small vessel for Copano.
—They make a day's march to Refugio. And in
another day and a half reach Goliad.
—They here joined Fannin, who had "about four
hundred men."
—Their service at Goliad consisted of drills,
strengthening the fortifications of the place, a
march to San Patricio to secure two cannon, and a
march to Carlos Ranch to arrest spies.

March 3d.—News of the defeat of Grant and Johnson arrives.
(about)

- 10th.—King with twenty-seven men despatched to Refugio.
11th.—A despatch from Houston to Fannin arrives and it is
"rumored in camp that Colonel Fannin should evacu-
ate Goliad and fall back to the Colorado."
13th.—Ward with 125 men was despatched to Refugio to aid
King.
19th.—Fannin begins his retreat to Victoria. In the after-
noon the battle of Coleto, or "Encinal del Perdido,"
was fought.
20th.—Fannin surrenders to Urrea.
24th.—Miller and his eighty men who had been captured at
Copano are brought to Goliad.
25th.—Ward and his remnant are returned to Goliad. All
are now confined in the "Old Mission" at Goliad.
27th.—The Massacre.
John C. Duval, John Holliday, and Samuel T. Brown
escape together and travelled all the night under the
leadership of Holliday.
28th.—All day they continue their retreat in drizzling rain.
29th.—They continued the retreat all day. Cold.
30th.—Duval now discovered that they were returning to-
wards Goliad. Holliday, not believing it, reconnoi-
tres, and gets a view of Goliad. Holliday assumes

1836.

March—cont'd.

leadership again, but in an hour Duval sees that he is again turning back towards Goliad, and insists on taking the lead, which he does.

31st.—They continue the retreat. They find a few wild onions, the first food they have had for four or five days.

April 1st.—They reach the Guadalupe. Here they try to drive a cow and calf over the bluff into the river, but fail. They go to bed in a "sink" by the river, and during the night they kill five young pigs of a litter.

2d.—Cross the Guadalupe. Duval saves Brown from drowning. They continue their flight across the prairie.

3d.—They continued the retreat.

4th.—They cross the Lavaca river. Brown and Duval are captured by some Mexican rancheros. Holliday evades capture. Duval escapes.

5th and 6th.—Duval wanders up and down the Lavaca bottom searching for his lost companions, but fails to find them. Brown was still in the hands of his Mexican captors.

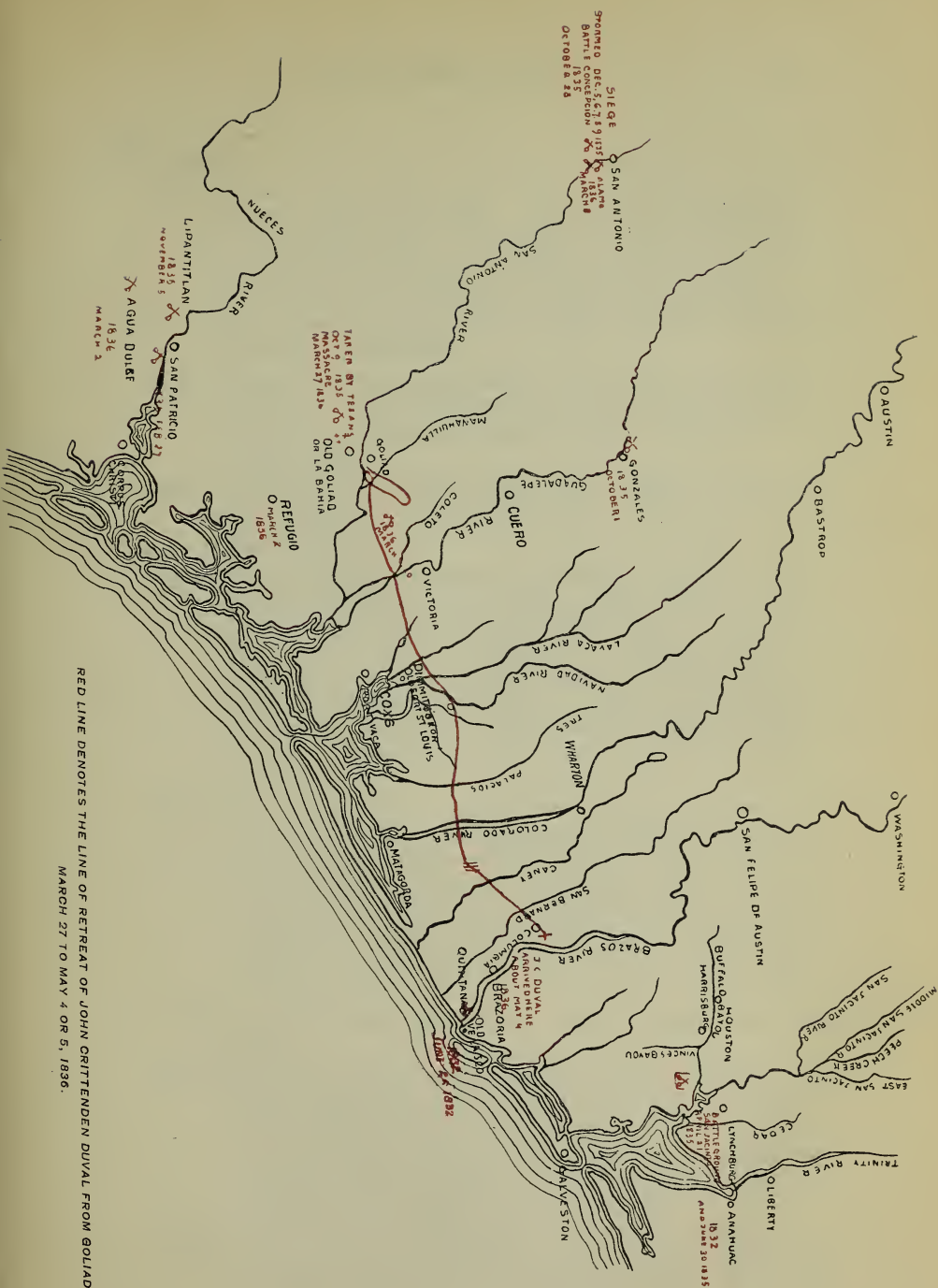
6th.—Not finding his companions, Duval started across the prairie and swims the Navidad river the same day at 3 o'clock. He is here trailed by Indians with a hound, but evades these hunters. Proceeds on his journey, and comes to a house, where he captures a pig under the flooring.

7th.—Duval proceeds up the Navidad bottom in order to escape the coast lagoons. Discovers some jacales inhabited by Mexicans. He tries to possess himself of a gun of a Mexican soldier, but the butt refuses to come through the opening in the wall, and he has to retreat swiftly.

8th.—Proceeds eastward once more, and the following night is troubled by wolves.

9th.—Sees in the distance a band of Mexicans or Indians. Many deer and mustangs in sight. It is wet and dull. He finds a home in an Indian shelter.

10th.—Fine in the morning. He remarked Indian signal fires. It clouds again and mists. Duval gets lost and wanders in a circle, and crosses his own trail.



RED LINE DENOTES THE LINE OF RETREAT OF JOHN CRITTENDEN DUVAL FROM GOLIAD, MARCH 27 TO MAY 4 OR 5, 1836.

1836.

April—cont'd.

- 11th.—It was fine again, and Duval continued a correct course across the prairie. At mid-day he crossed the Tres Palacios creek. He makes a bow of cedar, but is much disappointed in failing to manufacture a suitable string. At night he is disturbed by a panther.
- 12th.—He crossed timber lands and finds a freshly shot hog at a ransacked house.
- 13th.—Duval crosses a considerable creek to a prairie with groves of oaks and hackberries. He here narrowly escapes a band of about twenty Indians. He camps in a turkey roost.
- 14th.—He finds wild onions, much to his delight. Crosses a wide prairie to timber, and finds the Colorado river high and rapid.
- 15th.—He swims the Colorado. It was two hundred yards wide, swollen by recent rains. He continues a long march to the timber on the "Old Caney." The bottom of the Caney he describes as a continuous cane-brake sixty or seventy miles long. In the timber he finds an abandoned settlement. The houses had been plundered. At one he finds a wild cat pursuing a hen. The cat shows fight and Duval retreats, but finally gets the hen.
- 16th.—No road across the Caney discovers itself. Duval explores down the bottom and finds another house, with several dogs, but otherwise deserted. It had remained undisturbed, and the dogs were glad to see him. He found here an abundance of food, furniture, clothes, and books. There were negro quarters. Duval, evidently, is very weak from want of proper food, fatigue and exposure.
- 17th, 18th and 19th.—Remains at this house to rest, feed and read.
- 20th.—He tries to leave, but the dogs persist in following. To evade them, he leaves quietly at midnight. One, however, followed his trail, and in spite of a beating was his companion to the end of his journey. He gave the dog the name of "Scout." Duval camped for the remainder of the night in the cane-brake.
- 21st.—He discovers centipedes and bears. Tries vainly to cut his way through the brake. He comes to a house that is evidently the home of a wealthy planter. It is well

1836.

April—cont'd.

appointed, and has many signs of comfort. There are negro quarters, and much food in store.

22nd, 23rd, 24th, 25th, 26th, 27th, 28th.—Stays at this house, and from it explores the cane-brake up and down the bottom, vainly searching for a crossing. The cane is so dense as to prevent him from continuing his journey. On the 27th, he encounters two Mexican soldiers, but he continues, as if unconcerned, on his way, and they do not molest him. He proceeds to get an axe from the house to cut a way through, and runs across a trail and cut road. He meets bears, but they do not attack him. On the 28th he meets an armed Mexican soldier, but evades him before discovery. Shortly after he sees five or six Indians driving horses, and is almost discovered by them.

29th.—Comes out to the prairie. There is a prairie fire, which he fights with fire, burning the grass around him.

30th.—He crosses a bayou, but not divesting himself of his knapsack he comes near to drowning. He succeeds in cutting his knapsack loose, and so loses his provisions. He continued his retreat through a wooded country.

May 1st.—Although knowing nothing of San Jacinto, he surmises that the Mexicans have met defeat, for he sees, in the distance, many straggling troops going hurriedly westward.

2nd.—Duval crossed the San Bernard river and finds a deserted house. He here parches some corn, and is surprised in the occupation by two Texan scouts. He is told of San Jacinto. The three fall back to the Brazos river, and there join the Texan camp about May 4th or 5th, 1836.

THE LAST SURVIVOR OF THE GOLIAD MASSACRE.

As far as I am able to discover, John Crittenden Duval was the last survivor of the few who escaped the massacre of Fannin's men at Goliad, March 27, 1836.

He died on January 15, 1897, at the house of his sister, Mrs. Mary Hopkins, at Fort Worth, aged eighty years and nine months, and was buried from the house of Robert G. West, in the Duval burying lot at Austin, January 18th.

In his dying there passed a brave, sweet, lovable spirit; Texas was the poorer for his death.

"How did he impress you?" I asked of one of his old comrades, who had also passed through "those times that tried men's souls," one who was well able, by the token of a great saber cut across the cheek, to judge of that kind of man. "Why," said he, "John Duval was one of the bravest, kindest men I ever knew. He was generous,—almost too generous,—he made money, but did not know the value of it, gave it away to those he thought needed it worse than he did. He was a man who always saw the humorous and sunny side of the gravest question, and if it hadn't a sunny or humorous side he made it." To all who knew John Duval, better than a passing acquaintance, and he was a reserved man, that estimate will appear truthful to the life and will meet with ready and affectionate indorsement.

He was born at Bardstown, Kentucky, March, 1816. He came of an old family, one that had produced men who were leaders in the times in which they lived. His father was William P. Duval, who was for some time a member of Congress from Kentucky and was afterwards an active and able territorial Governor of Florida, and whose youthful adventures are entertainingly related by Washington Irving in his *Geoffrey Crayon Papers* as "The Early Experiences of Ralph Ringwood." How highly the Governor was esteemed for his courage and active virtues by Irving may be judged by others of the *Crayon Papers*, notably "The Conspiracy of Neamathla," the story of an incident in his dealings with the Seminoles. These same papers and their author, no doubt, had some influence in forming the literary style of John C. Duval.

The family, in America, was derived from Huguenot settlers in Virginia, and the white badge of St. Bartholomew's Eve is irresistibly brought to one's mind by its similar use at Goliad. It does not take a great stretch of the imagination to believe that history repeated itself,—that it is not improbable that more than once to members of this family a white handkerchief around the arms of others has been a sinister omen.¹

¹"These men (Major Miller's eighty who had been captured at Copano) were confined with us, but kept separate from the rest; and to distinguish them, each had a white cloth tied around one of his arms. At the time, I had no idea why this was done, but subsequently I learned the reason."—*Early Times in Texas.*

It was Governor Duval who came to settle in Bardstown, Kentucky. All his family, with a like spirit, made further migrations westward. Nearly all died in Texas. Of his sons, John Crittenden Duval is the subject of this sketch; Burr H. Duval was one of the victims at Goliad; his last letter to his father, dated March 9, 1836, at that place, is for the first time made public in this paper; Thomas H. Duval, another son, was for a quarter of a century or more United States District Judge for the Western District of Texas; he had, besides, five daughters, Mrs. Laura Randolph of Florida, Mrs. Mary Hopkins of Fort Worth, Mrs. Florida G. Howard, Mrs. Marcia Paschal (whose husband was the author of the famous "Paschal's Texas Digests"), and Mrs. Elizabeth Beall.

Thomas H. Duval married his cousin, Laura Duval, and they had five children: John, who died early; Mollie, Mrs. John W. Maddox; Florence, who married the late Judge C. S. West of the Supreme Court; Nancy, who married Captain C. S. Roberts, U. S. A., and Burr Grayson Duval, who after an active life as merchant and banker, a staff captain in the Confederate Army, and clerk in the United States District Court, died very highly esteemed at San Antonio, April 13, 1893, leaving a widow and one daughter, Miss Kate Duval. The three sons of Judge West survive: Robert Green, Duval, and William Steele West. John C. Duval, therefore, dying unmarried, was the last male heir of this, the elder branch of the Duvals.

I shall in this paper lay stress on the personal characteristics and qualities of this man. It is fit that they should be recorded for the credit of Texas and the good of her younger sons.

Courage, modesty, courtesy, kindness and disinterestedness are virtues he possessed in a generous measure. Our day is not so over-rich in some of them that we can afford to bury with the dead the memory of their fine interpretation by just men. One of the best uses of recorded history is to make us patriots, and to teach us and posterity to live more worthily and with fewer mistakes as individuals and as a nation. It is therefore the part of writers not merely to collect and speculate upon the dry bones of accomplished facts, but to remember the kind of flesh, blood, and soul that was their mainspring, and if these can be shown to be of a high order, such history will not fail to produce what it should, "the tonic of a wholesome pride."

When his father was made Governor of Florida, John Duval

went with the rest of his family from Kentucky to settle at Tallahassee. The Governor, indeed, was practically the founder of that town, and he otherwise left an outward mark and impress upon Florida. Jackson is in Duval county, and one of the principal streets of Key West is Duval street. It was a difficult and not too congenial task the Governor undertook during and subsequent to the Seminole War, but he is remembered as the Indian's best friend in those times. The family returned later to their old home in Bardstown.

John Duval's scholastic education was completed at the University of Virginia. He adopted the profession of civil engineer, and the greater part of his life was given up to surveying and locating Texas lands. Many of his fees were paid in land certificates, and often he was what is known as land poor. More than once when he was applied to by some needy person for help, not having the cash, he has been known to give that help in the shape of a land certificate. Certainly his virtues were not profitable to him, for he died a very poor man. In him there was an utter forgetfulness of self when he contemplated the misfortunes of others. Not so very long before he died there came to his home a tramp, begging. The man asked pitifully for a pair of shoes; he did not really need them, but he persuaded the old man that he did. Finally, Mr. Duval rose and courteously begged to be excused for a moment, and then went into another room. Presently he emerged in his stockinged feet and gave the beggar his own shoes. The shoes, however, were rescued at the gate, and when the old gentleman was gently remonstrated with he pleaded that the man was a young man in misfortune and must need shoes worse than he.

Few, even of his friends, were aware that he was all his life a sufferer from hemorrhage of the lungs. This was the real cause of his determination to spend as much of his life as possible in the open air. His profession of land surveyor took him much on the frontiers of Texas and New Mexico, where months passed without a roof covering him, and he enjoyed it. This same craving for the freedom of the prairie and the woods was one of the chief reasons for his joining the famous Jack Hays' Ranger Company. It was partly, too, an inherited dislike of restraint, as may be judged from Irving's "Ralph Ringwood." The proverbial irony of fate was never more strongly reaffirmed than in his case. Here was a man, who, like St. Paul, had suffered almost every peril on land and

water. He had escaped execution by scarcely less than a miracle, and but for an indomitable self-restraint should have been an invalid, and at last he dies of old age. He waited patiently, serenely, for the end as one knowing that it could not be far removed. Never, in suffering, I am told, did a complaint escape his lips,—the nearest approach to such was half-humorously spoken almost at his exit, and was more his way of saying farewell to a relative than a complaint: "Well, cousin," said he, jocularly, "life is not such a blooming affair, after all."

When the Civil War, the war that divided so many families, broke out, the two brothers, John C. and Judge Thomas H., found that they were not in perfect accord as to their lines of duty. The Judge was and remained a strong Union man. John, although he felt the South was not in the right, placed loyalty above all other considerations, and being a Southerner and his people being Southern people, felt bound to help it out as a fighter. The brothers disagreed, but being men of reserve and gentlemen, felt that it did not become their dignity to waste hot words. John simply and quietly left his brother's home, and without comment went to Alabama and there enlisted as a private. And because he felt that the South was wrong, he refused at first all preferment or advancement, although repeatedly urged to it. General Ben McCulloch offered him a prominent position in the Confederate Army, but he steadily refused it; yet at the close of the war he was a captain, and his change of view can only be explained by the fact that the South was getting the worst of the war, and the harder she was pressed the more he felt in duty bound to help her. He was reticent over this period of his life. It was known that he had been in many battles and had seen hard fighting. For four years after the war none of his people knew where he was; in fact, they had not seen him for nine years, when one day he walked into the Duval homestead at Austin, as if he had been absent but for an hour or so. He greeted every one cheerfully, but for years he made no mention of the lapse of time, or where he had been, or what he had done.¹

¹This is paralleled by a story of his father, the Governor, who when a lad was bidden by his father to fetch a log. The boy, being mortified that it was more than he could manage, left home for Kentucky. He concluded never to return until he could bring it in. Some years after, when he did return, he entered the house unannounced, with a huge log on his shoulder, and, throwing it down, said, "Father, I have brought in that log." The father simply answered, "You've been a long time, William."

There was one other topic that he treated with similar reserve. With an outward air of easy nonchalance, he felt deeply. There were some things he could not forget. He never willingly spoke of the death, at the massacre of his brother, Burr H. This seemed a matter so purely personal to him that he does not even mention the fact in his description of the campaign in his "Early Times in Texas." He makes no mention or hint of a brother throughout its pages, and wherever he mentions him, which is seldom, it is simply as Captain D.— of his company.

About the year 1876 he was employed by the International and Great Northern Railroad Company to report on land and to locate and survey certain tracts. His letters to the Land Office were always looked forward to eagerly by the officials, not merely for their thoroughness, but for the literary flavor they had and for the quiet humor they contained. He had a dry and amusing way of describing even serious incidents. He was once called upon by the office for information concerning a railroad collision, in which he himself had been somewhat shaken up. He reported that when it occurred he had been sitting opposite a very stout old lady, one of the kind that it was easier to jump over than to go around, and that he was being mightily entertained, when suddenly he found that he had been "telescoped" by her, and that was all he remembered.

He possessed a natural gift for description. His love of nature made him observant of all that pertained to wood-craft and the prairie. Bird, beast, flower and tree were alike full of interest for him. His observations of them are always as those of one familiar with his subject. He wrote of these things and of his adventures, not as the artist; he knew little of the technique of the art of writing, or of the artistic construction of stories. What he had to say flowed naturally from his pen in a style his very own, but for the perceptible influence of Washington Irving that I have mentioned before. What he wrote commands immediate attention, it has a living and direct quality; especially this is so of "Early Times in Texas." To pick up that means to read it before it is put down. No book of this kind, except "Robinson Crusoe," has charmed me so much. I have read and re-read it many times, and always with renewed interest. I have gone very carefully over it and journalized by their actual dates the different events he describes and the progress of his retreat eastward after his escape. I have done this partly

for historical interest and partly to show that he was accurate. A lapse of memory, here and there, is all I can detect with careful searching.

These discrepancies are not worth mentioning, for they do not affect, in the least, his main aim to present a truthful living picture of those events from his point of view. Some day this will be a Texas classic, and it will be a joy of every Texas boy's heart to possess a copy. A map also accompanies this paper, on which I have traced in red the line of his retreat from Goliad to the Brazos river: on it, besides, I have indicated the battlefields of the Revolution and the chief places of interest, notably the various settlements which became in turn the capital of the young and struggling Republic.

Besides "Early Times in Texas," Mr. Duval wrote "The Young Explorers; or, a Continuation of the Adventures of Jack Dobell;" a characteristic volume, "The Adventures of Big Foot Wallace," and many other fugitive papers contributed to local magazines and to the press.

Duval and Wallace were life-long friends. Both of them had had brothers killed in that fearful Goliad slaughter, and they were for a long time comrades.

John Duval was of medium build, erect and active to old age. At rest his face wore a look of calm and native dignity. A fine, knightly face, with a regular gray beard and determined mouth. He had a high, broad forehead and intelligent blue eyes. The extreme modesty and diffidence he exhibited would have been an affectation in most men; with him it was one of the charms of his character, for with all of it there was an undefined force that gave assurance that his quiescent nature, like that of a lion, could, upon occasion, be aroused to a wonderful self-possession and alertness in the presence of danger.

Such, then, in short, was the man whom fate had decreed should outlive all his fellow-actors in that sad drama of La Bahia. Well, he was a noble representative of brave comrades. It was a solemn office he filled for a short space of time, the sole and worthy incumbent—an ambassador from the past to an all too heedless new generation. Who shall declare that his election to that office was not made sure by the silent ballot of a dead constituency? I can fancy him true to himself, true to a life-long habit, deprecating even that as too much honor. I can picture him an old soldier

standing alone, patiently waiting for the grim adjutant to call the last name on his company's muster roll. In his loneliness he must often have called to mind "the old familiar faces,"—no doubt communed with them, even as another grand old man,

 "When the dumb Hour, clothed in black,
Brings the Dreams about my bed,
Call me not so often back,
Silent Voices of the dead,
Toward the lowland ways behind me,
And the sunlight that is gone!
Call me rather, silent voices,
Forward to the starry track
Glimmering up the heights beyond me
On, and always on!"

THOMSON'S CLANDESTINE PASSAGE AROUND
NACOGDOCHES.¹

W. P. ZUBER.

In 1830, after the passage of the exclusion act, a large body of families sent by Sterling C. Robertson from Tennessee were conducted into Texas by Alexander Thomson.² Before reaching Nacogdoches, they learned that they could not pass the garrison at that place without passports, and they encamped about three miles east of that town.

Mr. Thomson and two other men went into Nacogdoches to confer with Colonel Piedras. They stated their condition to the colonel and requested him to permit the families to pass. Piedras had no authority to comply with their request, and so informed them. They then said that, if the immigrants would consent to do so, they would change their destination to Austin's colony, and asked Colonel Piedras whether they could pass thither. He replied that they could do so only after procuring permits from Austin, and advised them, if they should so decide, to let the families stay in their present encampment while a messenger should proceed to San Felipe and procure the needed permits from Austin. They told him that they would return to the camp and try to persuade the immigrants to do as he advised, but they thought that two or three days might elapse before they could determine what to do. But they promised to come again and inform Colonel Piedras of whatever decision the immigrants should make.

They returned to their encampment, and reported to their friends their interview with Colonel Piedras. They soon determined what to do. On the next day, they cut a road around Nacogdoches. This required comparatively little work: the opening of two connecting roads, through open woods, between that on which they were encamped and another, nearly parallel with it, which lay

¹I narrate these facts from my own knowledge, as I do not know that they have ever yet been published.

²He spelled his name Thomson, not Thompson.

about a mile north of Nacogdoches. Thus their route led from their encampment, or from a point a little west of it, nearly north to another road; thence with said road nearly west to a point several miles northwest of Nacogdoches; and thence nearly south to a point on the San Antonio road a few miles west of Nacogdoches.

On the following morning, very early, the families decamped and proceeded for their destination in Robertson's colony, the beginning of their journey being on their improvised road. But Mr. Thomson and the two men who had previously accompanied him went through Nacogdoches to see Colonel Piedras. They told him that, after thoroughly considering their situation, the immigrants had unanimously determined to settle in Austin's colony, and would stay in their present encampment till receipt of their permits, and that they—Mr. Thomson and the two men with him—were en route for San Felipe to procure the permits, and hoped soon to return and conduct the families into Austin's colony. Piedras wished them God-speed, and they proceeded on their journey. But a few miles west of Nacogdoches, Mr. Thomson and the two others rejoined the families, and they all proceeded together for Robertson's colony.

My father was then in Texas, about twenty-five miles east of Nacogdoches, and soon learned the facts of this passing around that place by Mr. Thomson's immigrants. The same account was confirmed to my father by Mr. Thomson himself at Harrisburgh, Texas, in 1831. His statement to my father was substantially as I have here repeated it.

The road which those immigrants made around Nacogdoches was known as the "Tennesseans' road," and was used by many subsequent immigrants, who were not provided with passports or permits.

After Thomson's immigrants had passed around Nacogdoches, some gentlemen reported their action to Colonel Piedras. He replied: "I can not recall them. I can not prevent people from passing *around* Nacogdoches, whether their route be half a league or a hundred leagues distant. All that I can do is to prevent intruders from passing through this town."

However, Colonel Piedras, of course, must have reported the affair, both to the State authorities and to the general commanding the troops of the department. This conduct of the immigrants was

regarded by the authorities as treacherous and defiant to the laws, and to the Federal and State governments. Of course, it greatly aggravated—if it did not cause—all the troubles that afterward beset the settlement of Robertson's colony.

Yet justice to Mr. Thomson demands full consideration of the circumstances which impelled his action, which, if they do not justify his conduct, at least greatly diminish the blame due thereto. I can not see that he could have done better. He was under obligation to the Nashville Company, to Robertson, and to the immigrants themselves, to conduct them to Robertson's colony, in which only they were willing to settle. He had conducted them thus far in good faith, anticipating no opposition, but there they were halted; no arrangement could be made to procure passports to their desired destination without a trip to the State capital west of the Rio Grande, either by Robertson, who was in Tennessee, or by a messenger to be sent by him; the delay for such a trip would quite exhaust their funds for travel, which were limited. Yet, they could not otherwise obtain the needed passports. Deluded by the hope that if they could, *by any means*, pass Nacogdoches, they would encounter no further trouble, they adopted the plan, which they executed, of passing clandestinely around that place. Mr. Thomson keenly felt his obligations to his company, to his empresario, and to his immigrants. His condition was extremely distressing. He and his companions adopted this clandestine passage as the best proceeding in their power. I am safe in saying that he would not have done as he did if he had not believed that the circumstances morally justified his action. Both my father and myself knew him as an honorable and conscientious gentleman. His necessity resulted from the seemingly unavoidable neglect of Empresario Robertson to provide for the needed passports.

In January, 1831, my father, with his family, en route from Ayish to Austin's colony, passed around Nacogdoches on the "Tennesseeans' road," which had been improvised by Thomson's immigrants for Robertson's colony, though he had a permit from Austin. My father did so on the entreaty of a Tennessean, who, with his family, had overtaken us, and who had no permit, though he, too, was going to Austin's colony. I have always regretted this incident, for it deprived me of an opportunity to pass through the old historical town of Nacogdoches, which I have never yet seen.

THE ORGANIZATION AND OBJECTS OF THE TEXAS STATE HISTORICAL ASSOCIATION.

Organization. On the evening of Feb. 13, 1897, a number of gentlemen interested in Texas history met in one of the rooms of the University of Texas to discuss the organization of a State Historical Association. The result of the meeting will be seen in the following circular letter, which was issued a few days later and sent to some 250 persons in Texas:

You are cordially invited to be present and take part in a meeting to be held in the rooms of the Commissioner of Insurance, Statistics and History, at 8:30 p. m., March 2, 1897, for the purpose of organizing a State Historical Association. The general object of this Association will be the promotion of historical studies; and its special object the discovery, collection, preservation, and publication of the materials for the history of Texas. The proposed annual fee for membership is two dollars.

We feel the duty of immediate action in order that the sources of Texas history may be preserved, and we sincerely hope that you will be able to lend your aid.

If you are unable to attend the meeting, but wish to become a member, kindly signify the same on the attached blank, which you will please mail in the enclosed envelope.

O. M. ROBERTS,
F. R. LUBBOCK,
JNO. H. REAGAN,
GEO. T. WINSTON,
DUDLEY G. WOOTEN,
A. J. ROSE,
GEORGE P. GARRISON.

The number of responses to this letter was indeed gratifying; nearly one-half the persons invited either attended the meeting or sent their names for membership.

The Association was organized on the evening of March 2, some twenty or thirty persons present. Before proceeding to business, ex-Governor O. M. Roberts, in response to repeated calls, pleasantly entertained those present with several anecdotes illustrative of the character of General Thomas J. Rusk. The meeting was then called to order by Professor George P. Garrison of the State Uni-

versity. Judge Z. T. Fulmore of Austin was made temporary chairman, and Professor Garrison secretary, and the following constitution was adopted:

CONSTITUTION.

ART I. NAME.

This Society shall be called THE TEXAS STATE HISTORICAL ASSOCIATION.

ART. II. OBJECTS.

The objects of the Association shall be, in general, the promotion of historical studies; and, in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to Texas.

ART. III. MEMBERSHIP.

The Association shall consist of Members, Fellows, Life Members, and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council, and elected by the Association, may become Members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Thirteen Fellows shall be elected by the Association when first organized, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed fifty.

(c) *Life Members.* Such benefactors of the Association as shall pay into its treasury at one time the sum of (\$50) fifty dollars, or shall present to the Association an equivalent in books, MSS., or other acceptable matter, shall be classed as Life Members.

(d) *Honorary Life Members.* Persons who rendered eminent service to Texas previous to annexation may become Honorary Life Members upon being recommended by the Executive Council and elected by the Association.

ART. IV. OFFICERS.

The affairs of the Association shall be administered by a President, four Vice Presidents, a Librarian, a Secretary and Treasurer, and an Executive Council.

The President, Vice Presidents, and Secretary and Treasurer shall be elected annually by the Association from among the Fellows.

The Professor of History in the University of Texas shall be *ex officio* Librarian of this Association.

The Executive Council, a majority of which shall constitute a quorum, shall consist of the following:

The President.

The four Vice Presidents.

The Librarian of the Association.

The State Librarian.

Three Fellows.

Five Members.

The Association, immediately after organizing, shall elect three Fellows to serve on the Executive Council, one, two, and three years, respectively, the term of each to be decided by lot. Thereafter, one Fellow shall be elected annually by the Association for the term of three years.

The Association, immediately after organizing, shall likewise elect five member to serve on the Executive Council, one, two, three, four, and five years, respectively, the term of each to be decided by lot. Thereafter, one Member shall be elected annually by the Association for the term of five years.

ART. V. DUES.

Each Member shall pay annually into the treasury of the Association the sum of two dollars.

Each Fellow shall pay annually into the treasury of the Association the sum of five dollars.

Life Members and Honorary Life Members shall be exempt from all dues.

ART. VI. PUBLICATION COMMITTEE.

A Publication Committee, consisting of five persons, shall have the sole charge of the selection and editing of matter for publication. The President and Librarian of the Association shall be *ex officio* members of this committee; the remaining three members shall be chosen annually by the Fellows from the Executive Council.

ART. VII. AMENDMENTS.

Amendments to this Constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the entire membership of the Association, the vote being taken by letter ballot.

Fellows and officers were then elected,¹ and the meeting adjourned.

The Executive Council met at the University building in Austin, May 28th, and decided that the first annual meeting of the Association should be held at the same place on Thursday, June 17. The meeting was held as appointed, and the papers printed in this num-

¹For a list of officers, see second page of cover.

ber of THE QUARTERLY were read before the Association. Three or four hundred names were added to the list of members and a few to the list of Fellows, and a Publication Committee was elected, as the Constitution directs. The surviving veterans of San Jacinto and previous battles, together with ex-Governor O. M. Roberts, Hon. John H. Reagan, Colonel Guy M. Bryan, Colonel John S. Ford, Mrs. Julia Lee Sinks, Mrs. Anson Jones, and Mrs. A. J. Briscoe, were elected honorary life members.

It is hoped that the Association will stimulate the production of much historical matter of real worth for presentation at its meetings, and it is intended to publish such matter, as well as original documents, as fast as the finances of the Association will allow. Original articles on any period of Texas history, or on any subject connected with Texas history, will be gladly received; a number of such papers will be read before the Association at each meeting.

It is also hoped to ascertain the present location, ownership, condition, etc., of the vast mass of MSS. now in the hands of private persons in Texas, and, if possible, to secure for the Association possession of the originals. Suitable fire-proof vaults will be provided as soon as possible, where such papers as the Association shall acquire may be safely stored. Private diaries, family letters, journals of travel, old newspapers, genealogical notices, etc., etc., are of quite as much value in recovering the history of Texas as are State papers and public documents. Members of the Association are especially urged to report to the Secretary any information which they may have concerning such documents.

The Association also hopes to acquire a library and museum. It has already made a good beginning. Books and historical relics will be gratefully received, and it is especially desired that every Texas author should present to the Association a copy of his works.

NOTES.

Prof. R. L. Batts' paper on "The Defunct Counties of Texas," which was read at the meeting of the Association on June 17, could not be printed in this number of *THE QUARTERLY* for want of space; it will appear in the October number.

Eldredge & Bro. have in press "The Civil Government of Texas," by Dr. George P. Garrison, which will contain, in a brief compass, an historical sketch of the State, and a description of its government. When this work appears, it will be further noticed in *THE QUARTERLY*.

At the June meeting an interesting and valuable paper was presented to the Association by Mr. C. A. Neville, superintendent of schools at Hempstead. It is the discharge of a private soldier, Jeremiah Belcher, given at Newburgh, June 14, 1783, and signed by Gen. Washington.

The scrap-book bequeathed by Mrs. Wilson contains an original letter from Jefferson Davis to Col. Wilson, besides numerous other original letters of great value in Texas history. There are also several original papers, such as commissions, to Col. Wilson, signed by President Buchanan, Gov. Letcher of Virginia, Sam Houston, and others.

The Texas Veterans' Association, at its April meeting, turned over its archives as a gift to the University of Texas. The papers have not yet been received by the University, but it is understood that there are among them many interesting letters and other documents, written by men prominent in the history of the Republic and the State.

"Under Six Flags" is the title of an excellent little work on Texas history by Mrs. Mollie E. Moore Davis. It is composed of chapters respecting the different epochs of our history, charmingly written, and unusually free from errors. It is especially adapted to school work in Texas history, and will doubtless soon become a school-room classic.

At the request of the Executive Council, the President of the State University has set aside an alcove in the new library for the use of the Association. This alcove will be under the control of Dr. Garrison, librarian of the Association, and will be arranged with special regard to the convenience of readers and the display of such documents, etc., in the possession of the Association, as may be interesting to the public.

The Historical Association is in receipt of a circular announcing that *The Alcalde*, a paper hitherto published at the State University, will be enlarged, and its character changed to that of a general weekly newspaper for Texas. It will be non-partisan. The first number will appear in November. L. E. Hill and John O. Phillips, both of Austin, are the editors. The Executive Council of the Association has accepted an offer from these gentlemen of one page per week, to be under the control of the Association, and devoted to its affairs.

Judge Z. T. Fulmore has now in press a comprehensive chart, showing, in five maps, the history of Texas geography, together with a digest of the facts constituting the history of the boundaries of Texas. The chart will also contain a clever diagram showing the evolution of the counties of Texas from the original municipalities, the origin of names, date of creation, etc.; a list of Texas officials extending back into the period of Spanish rule; and much statistical information as to the material progress of Texas from the earliest times to the present.

Among other valuable gifts that have been made to the Association are two scrap-books full of important historical matter, one from Mrs. Julia Lee Sinks of Giddings, the other the bequest of Mrs. M. A. C. Wilson, lately deceased, the widow of Col. William F. Wilson. The first contains Mrs. Sinks' own narrative of the recovery of the bones of the decimated Mier prisoners and Dawson men, and their burial at La Grange in 1848. Mrs. Sinks assisted at the burial herself. The collection includes copies of letters from Austin, Rusk, Lamar, and other prominent men of the Republic.

William G. Scarff, publisher, Dallas, has in press two works whose appearance is looked forward to with most hopeful anticipation by those interested in Texas history. Both are edited by

Dudley G. Wooten of Dallas, whose special fitness for the work is unquestionable. The first is "A Comprehensive History of Texas," consisting of a reprint of the original text of Yoakum's "History of Texas," with notes by Moses Austin Bryan, Frank W. Johnson, Guy M. Bryan, and the editor, together with various monographic additions, covering almost every phase of the subject. Among these are the political history of the State by ex-Governor O. M. Roberts; the Mexican War and Annexation, by the late General S. B. Maxey; the material, social, and religious history since 1845, by the editor, etc. The second is "A Complete History of Texas for Schools, Colleges, and General Use." There is need for such a book as this title suggests. It is expected that both these works will be reviewed in a subsequent number of THE QUARTERLY.

An interesting and valuable collection of newspapers and relics has been received from Mrs. Anson Jones of Houston, and is now held in trust by Dr. George P. Garrison, Mrs. Dora Fowler Arthur, and Mr. Lester G. Bugbee, until the establishment of a Texas Museum. The collection contains the following articles owned and used by President Anson Jones: portfolio (just as left by him), wafer box, wafer stamp, sealing wax, pen, piece of cloak worn by him on the day of his inauguration as President of the Republic of Texas, December 9, 1844. The collection also contains the following articles used by Mrs. Jones for over fifty years: needle book, gold pencil, and veil. The newspapers, forty-two in all, including a few fragments, are very well preserved; they are mostly Texas papers, published during the last years of the Republic and the period immediately following Annexation. There are several copies each of *The Civilian and Galveston Gazette*, *The Western Texian*, *Texas Ranger*, *The Texas Ranger and Brazos Guard*, and others. Many of the papers are rendered more valuable by occasional marginal comments in the writing of President Jones. A more detailed description will appear in the October QUARTERLY.

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OF THE
TEXAS STATE HISTORICAL
ASSOCIATION.

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Papers read at the meetings of the Association, and such other contributions as may be accepted by the Committee, will be published in THE QUARTERLY.

The Association was organized March 2, 1897. There are no qualifications for membership. The annual dues are two dollars. THE QUARTERLY is sent free to all members.

Contributions to the QUARTERLY and correspondence relative to historic materials should be addressed to

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THE ANNEXATION OF TEXAS.

SAM HOUSTON.

[The following letter from General Houston to Major A. J. Donelson, United States chargé d'affaires in Texas, is reprinted from the *Texas Banner* (published at Huntsville) of May 26, 1849. It appeared also in *Niles' Register*, vol. 75, and was later published in the *National Intelligencer*.—G. P. G.]

HUNTSVILLE, TEXAS, 9th April, 1845.

My Dear Major: In accordance with my promise on yesterday, I will now communicate to you some of my views on the question of annexation. I regret that my time will not allow me to go as fully into an examination of the subject as would be desirable, where so much of interest to both countries is involved in the measure. The overture is now made by the United States to Texas; and by an act of the Congress of the former, conditions are proposed by which the latter may be admitted as a part of the Union. I will not discuss the policy of the measure, but allude only to the manner of its consummation.

I am in favor of annexation, if it can take place on terms mutually beneficial to both countries. I have on all occasions evinced the most anxious solicitude touching the matter, and have withheld

no means in my power towards its completion. As it now stands, I regard our relation to it in this light:

We are to merge our national existence in that of the United States, whenever the measure may take place. Then it seems to me that we should have something to say as to the terms of the union. By Mr. Brown's resolutions,* *the terms are dictated and the conditions absolute*. They are of a character not to have been expected by any one who regarded annexation as a compact between two nations, where each had substantial and acknowledged sovereignty and independence. Texas is required to surrender her sovereignty and merge her independence. In the surrender of her rights, or any portion of them, she should have the privilege of assisting in the adjustment of the conditions; and they should be so defined and understood as that no discontent or misapprehension could thereafter arise as to her true situation. To arrive at a point so desirable, it appears to me that *negotiations*, conducted by commissioners on the part of each government, should take place. To me, the necessity is most obvious; for the reason that Texas may, in after times, when she recurs to the circumstances and consequences of the measure, be satisfied that the terms on which she had been received were in part, at least, of her own devising, and that she, from some strong impulse, had not acted without due deliberation, and a full discussion of the terms, by persons whose minds had been called to act upon the subject, under the most calm and considerate motives.

Commissioners appointed by the two governments could accomplish all this, and define and settle by negotiation and agreement what might hereafter arise calculated to disturb the future harmony of the United States, and perhaps injure Texas.

The amendments to Mr. Brown's resolutions appear to me to afford the only means to obviate the objections to their provisions. Their terms seem to me, to say the least of them, to be rigid; because they require of us to pay a tribute, or *bonus*, to the United States, for leave to surrender our sovereignty and national independence—and this, too, in a most summary manner. We are required to "cede" to the United States "*all public edifices, fortifications, barracks, ports, harbors, and navy, and navy-yards, docks,*

* The House resolutions for annexation in their final form were based on those offered by Milton Brown, of Tennessee. See Benton's Abridgment of the Debates of Congress, Vol. XV, p. 196.—G. P. G.

magazines, arms, armaments, and other property and means pertaining to the public defence belonging to the said Republic of Texas." It ought to have been considered that these enumerated means and property have occasioned a large portion of our national debt, *and remains to be paid for by Texas.* They have probably cost this nation not less than one million of dollars; and to admit that they are now worth only half that sum, would fix their value at a half million, which would be of great service in organizing a new government or governments, and in cleaning out rivers and improving our facilities for transporting produce to market by means of roads.

If Texas shall be required to surrender her property, without receiving any remuneration for the same, it can only be regarded in the light of a payment or tribute for our admission into the Union. If the resolutions of Mr. Brown are to form the basis of our admission, this objection can not be removed, but must remain as a rebuke to us, in future days, for our hasty and inconsiderate action.

By assuming the amendment as a basis, many objections can be obviated; and by negotiation, terms less exceptionable may be adopted. If the President of the United States should appoint commissioners, and they should be met by corresponding commissioners on the part of Texas, they could come to an agreement upon such terms as would be honorable and just to both parties. The terms thus agreed upon could then be submitted to the people of Texas in their popular capacity, and their votes taken thereupon, at the September election for members of our Congress. If they were approved by their voice, then our Congress could act upon the expression given by the people, and wait for the action of the government of the United States. If that government should accord in the action of this, then Texas could more safely proceed to frame a constitution adapted to her circumstances. The reasons for this course, to my mind, are *important*, and, I may add, indispensable, in our present condition.

The conditions prescribed in Mr. Brown's resolutions leave us no alternative, and I am satisfied would not have been adopted by the Congress of the United States, apart from the amendment. By the amendment, the President of the United States was allowed an alternative as to the mode of presenting the subject to the government and people of Texas for their consideration and action. But as the alternative chosen might very materially affect the interests

of Texas, it is to be hoped and expected that its government will be consulted as to which should be adopted. By the action proposed in the plan of Mr. Brown's resolutions, Texas is denied all option as to the mode of annexation, and is driven into servile submission, and is required to pay *a price* for her humiliation. If Texas were to accept the conditions as they are now presented to the government of Texas by the government of the United States, it would derange her present form of government, and shake her institutions to their foundation, if her constitution should not be accepted by the Congress of the United States; and my own opinion is, that our admission by Congress would be very doubtful if we were to act upon the first and second sections of the resolutions, without reference to the third.

If the work of annexation is to be consummated, my great desire is to see it done in a manner that may not only be harmonious at present, but so that each party may hereafter, on a review of the whole matter, have nothing to regret or to reproach itself with.

It seems to me, also, that the conditions as to the time to which the action of Texas is limited is too short to enable her to give the subject all the consideration which its importance demands. The Congress of the United States will, doubtless, not adjourn its next regular session before the month of July, 1846. Then it will have ample time to extend the period for the action of Texas until her government and people could carry out their action upon the plan which I propose, and the same that was contemplated by the amendment. If the original resolutions are insisted upon as *the basis* and *the only one*, I entertain the most serious doubts as to our ever being admitted, or forming a part of the American Union. Texas has so long been a suppliant, that I am fearful the government of the United States has presumed upon what they suppose to be our *necessities*, and therefore have been induced to lay such hard conditions upon us. Heretofore the difficulties have all existed on the part of the United States, as to our admission into the Union; nor do I yet regard them as all obviated. If I am right in this, it would be too perilous for Texas to act upon the basis proposed, and subject herself to have the constitution which she might at present submit rejected by the Congress of the United States. It would not only be destructive to the future prospects and wel-

fare of Texas, but convulse the Union to a far greater extent than ever did the tariff or "Missouri question."

The wish of every American statesman should be to preserve the concord and union of the States; and the desire of every Texan, to cede such rights and privileges to the Union as would be just and proper. We should, however, retain all which would be necessary to us as an equal member of the Confederacy, and part with none which we should require in our new position with a hope of regaining them at a future day. Should we entertain such a hope it might prove fallacious, and be productive of serious and lasting discord. Texas, if annexed, will become a part of the United States in opposition to the wishes of a large portion of the people of the Union, and encounter a strong political opposition. If they are vanquished, they will retain a strong prejudice against the cause or object of their defeat. The party favorable to the admission of Texas may or may not long retain power in the Union. While they retain power, Texas might do well; but if it once passed into the hands of the Opposition, she would in all probability fare equally bad.

For these reasons, I wish that whatever rights Texas has or might be entitled to, should be *defined*, and *understood*, and retained by her on her admission to the Union; and this can only be done through the action of the commissioners indicated by the amendment, and without which I feel fully satisfied the bill would not have become a law.

The "consent of the existing government" of Texas, referred to in one portion of the act—and that recognizes some option in our Executive as to the mode by which the affair (so far, at least, as Texas is concerned) should be conducted—is necessary to give validity to the measure. If any commotion should arise in Texas, or a disregard of the constitutional authority, in consequence of the basis proposed not being accepted, I should deem it most unfortunate for the fame and quiet of the President of the United States, by thus furnishing a ground for his enemies to charge him with producing the evil resulting from withholding the choice of the alternatives contained in the law from the Executive of this country.

You may find some who will express the wish or intention even to resort to revolution to secure annexation, without knowing one

of the conditions imposed, or anything more than that "it is something about annexation." If by any irregular mode, or by exciting sedition in the country, the expression of the popular voice could be had, and should be unanimous in favor of the measure, it would be good cause for the Congress of the United States and the President to resist any such action.

They would surely not be willing to inflict such a scandal upon the present enlightened age as the encouragement or sanction of such a course would be.

Another may, by some persons, be suggested to you, and that is—if the President has chosen his position, in declining the proposition as presented, *to drive him from his position, and appeal to the people.* Of such suggestions, I pray you beware; for I can conceive of no course or *curse* so fruitful of evils to free government, and subversive of all rule among men, as this would be. It would soon produce its effects, even in the U. States. The President might desire to execute the law; but if occasion prompted, seditionists would quote the act of Texas as a warrant and example for their resistance to the federal authorities.

Nevertheless, there are individuals in Texas who would willingly adopt any course, or pursue any measure, which they might believe to be adverse to my opinions, or that would prostrate the present administration. They would do this, though it should destroy the country. They are men who wish to live upon the means of the government, without labor, and feast and riot upon the substance of the people. Without merit, such men are like vermin in the dead carcass: they can live only in corruption.

Now, my dear friend, for the sake of human liberty,—for the sake of the future tranquillity of the United States—and for the prosperity of Texas, whose interests, prosperity and happiness are near to my heart, and cherished by me above every political consideration, I conjure you to use your influence in having presented to this government the alternative suggested by the amendment to Mr. Brown's bill, so that commissioners can act in conjunction upon the points which it may be proper to arrange between the two countries, before it is too late, and while there is a remedy. The newspaper press, with, I believe, the organ of the government of the United States, expect the alternative amendment to be pre-

sented to Texas, that she may exercise some choice as to the conditions of her entry into the Union.

I can not say what would be proper for the commissioners to agree upon. But I would suggest that Texas, if admitted into the Union, should enjoy full equality and community with the other States of the Confederacy; that the United States should receive and pay Texas a liberal price for the public property which has been acquired for national purposes, and that the amount should be paid to the State of Texas, so soon as it should be organized and admitted as a State.

That Texas should retain her public lands, and if the United States should hereafter vary her boundary or limits, as at present defined, by contracting or reducing them, that in that case they should indemnify the citizens of Texas, by payment for any lands which they may hold, by locations under the laws of Texas, in the territory abandoned by the United States, at the minimum price of the government lands at this time in the United States.

That the government of the United States may at any time purchase the vacant lands of Texas, at a price to be stipulated by the commissioners; and in the event of their purchasing our lands, that they should not (without the consent of the State of Texas) sell to, or permit to settle within the present limits of Texas, any nation, people, or tribe of Indians.

That Texas should pay the national debt.

That the United States should remunerate the citizens of Texas, whose lands fell within the United States in running the boundary lines, in the same manner, and with the same liberality, that Texas did those of the United States, or that they (the United States) pay them for their lands, which had been located on valid titles, issued by the government of Mexico, and at a time when it was believed the limits of Texas would embrace the locations previous to running the line.

And I would recommend that an article be inserted in the agreement, stipulating, expressly, that Texas should not form a part of the Union until her Constitution is accepted by the Congress of the United States.

I candidly conceive that these stipulations are necessary and proper to secure Texas and her citizens, as well as to enable the

United States to maintain peace with all the Indians on our borders.

I have thus hastily written you a long letter, subject to frequent interruptions. You may therefore find my meaning, in some things, obscure. I have not even glanced at the general policy of the measure of annexation, but have given my views as to the mode of its execution, and what appears to me necessary to be done by the parties. I must confess that I have not been free from embarrassment on the subject. I have felt so deeply for my venerated and highly valued friend, the Sage of the Hermitage, that nothing but a most sacred regard for my adopted country could have induced me again to thus express my opinions on this subject. The feelings of Gen. Jackson are so much absorbed in the subject of annexation, arising from his views of the importance of the measure to the United States, that he has, very naturally, not been fully able to regard Texas as forming a separate community, and with interests not entirely identical with those of that government. Nevertheless, I know and feel that Gen. Jackson believes that Texas, annexed on any terms, would be equally benefited with the United States, and thereby perpetuate free institutions, and extend the sphere of representative government. Annexation would be certainly beneficial to the United States. On the part of Texas, it is an experiment, which I pray God, if it takes place, may result in enduring happiness and prosperity to a united community.

I am, truly your friend,

SAM HOUSTON.

Maj. A. J. Donelson, &c., &c.

DEFUNCT COUNTIES OF TEXAS.

R. L. BATTS.

Under this rather inaccurate title memoranda (perhaps incomplete) is given concerning five classes of counties:

1. Judicial counties.
2. Counties whose names have been changed.
3. Counties whose territories have been entirely changed.
4. Counties, the laws organizing which have been repealed.
5. Counties whose territory is no longer considered part of the State.

I.—JUDICIAL COUNTIES.

At the sessions of the Fifth and Sixth Congresses, held respectively in 1841 and 1842, a number of counties were organized which were subsequently spoken of as "judicial counties." These counties did not differ from the counties from which they were created except that they were not given representation in Congress. Because this representation was not given, the acts creating them were held unconstitutional, as being in conflict with article I, section 5, of the Constitution of the Republic, which declared that "each county shall be entitled to at least one representative." *Stockton v. Montgomery*, Dal., 473; *Beazley v. Stinson*, Dal., 537; *Allen v. Scott*, Dal., 615. By Act of July 18, 1842 (Special Session of Sixth Congress, p. 1), acts of boards of land commissioners or district courts, and of surveyors, with reference to lands, were validated.

Burleson.—The judicial county of Burleson was created by the Act of January 15, 1842. (Acts Sixth Cong., p. 35.) It covered territory of which the present county of Burleson, created four years after (Act March 24, 1836, p. 16), is a part.

Burnet.—I find no act creating the judicial county of Burnet, but on December 6, 1841, an act was passed better defining the boundaries of Burnet county. This was entirely distinct from the present county of that name, and included very considerable ter-

ritory between the Trinity and Sabine rivers. I have assumed that this was a judicial county, because it disappeared without a repealing act (so far as I can find), and because the creation of such counties was the settled policy at the session of Congress at which the act mentioned was passed.

De Witt.—The judicial county of De Witt was created by Act of February 2, 1842. (Acts Sixth Cong., p. 89.) The present county succeeded four years later.

Guadalupe.—The judicial county of Guadalupe was created by Act of January 29, 1842. (Acts Sixth Cong., p. 78.) It was succeeded four years later by the existing county.

Hamilton.—The judicial county of Hamilton was created from Montgomery and Houston counties by Act of February 2, 1842. (Acts Sixth Cong., p. 91.) Its territory was entirely distinct from that of the present county.

La Baca.—The judicial county of La Baca was created by Act of January 29, 1842. (Acts Sixth Cong., p. 74.) It was succeeded four years later by the present county of Lavaca.

Madison.—The judicial county of Madison was created by Act of February 2, 1842 (page 91), from Montgomery county. The present county of Madison was created January 27, 1853 (p. 10) from Grimes, Walker, and Leon counties.

Menard.—The judicial county of Menard was created by Act of January 22, 1841 (Acts Sixth Cong., p. 74), from Liberty county. Its territory was entirely distinct from that of the present county of Menard.

Neches.—The judicial county of Neches was created from Jasper and Jefferson counties by Act of January 29, 1842. (Acts Sixth Cong., p. 82.)

Panola.—The judicial county of Panola was created by Act of January 30, 1841 (Acts Sixth Cong., p. 153), from Harrison county; it was succeeded in 1846 by the present county.

Paschal.—The judicial county of Paschal was created from Red River, Bowie, and Lamar counties by Act of January 28, 1841. (Acts Fifth Cong., p. 56.)

Waco.—The judicial county of Waco was created from Robertson and Milam by Act of January 29, 1842. (Acts Sixth Cong., p. 80.)

Ward.—The judicial county of Ward was created from Mata-

gorda and Colorado by Act of January 19, 1841. (Acts Fifth Cong., p. 65.) Its territory was entirely distinct from that of the present county of Ward.

II.—COUNTIES WHOSE NAMES HAVE BEEN CHANGED.

Bevil.—Bevil's settlement was organized in 1830 into a precinct of Nacogdoches municipality; it was organized in 1834 as a separate municipality. The name was changed in 1835 to Jasper, which is still retained as the name of the county succeeding the municipality.

Buchanan.—Buchanan county was created by Act of January 22, 1858 (p. 58); name was changed by Act of December 7, 1861 (p. 8), to Stephens, which is retained.

Columbia.—The municipality of Brazoria was formed May 12, 1832 (Laws and Decrees of Coahuila and Texas, p. 197); the name was changed to Columbia by Decree 233 (Laws and Decrees of Coahuila and Texas, p. 274), without date; the name Brazoria was restored in 1835, and is retained.

Davis.—The name of Cass county was changed to Davis by Act of December 17, 1861, but the original name was restored by Act of May 16, 1871 (p. 92).

Harrisburg.—The name Harrisburg was changed to Harris by Act of December 28, 1839. (Acts Fourth Cong., p. 222.)

Mina.—The municipality of Mina was created in 1834. (Laws and Decrees of Coahuila and Texas, No. 283, p. 274.) Name changed to Bastrop by Act of December 18, 1837 (p. 90).

Navasota.—Created by Act of January 30, 1841 (p. 86); name changed to Brazos, January 28, 1842.

Tenehaw.—By Act of January 11, 1836 (p. 122), the name of the municipality of Tenehaw (Tenaha) was changed to Shelby, which is retained as the name of the county succeeding the municipality.

Viesca.—Name of municipality of Viesca changed by Act of December 26, 1835 (p. 99), to Milam, which is retained as the name of the county succeeding the municipality.

III.—COUNTY WHOSE TERRITORY HAS BEEN COMPLETELY CHANGED.

San Patricio.—The municipality of San Patricio was established by Decree 283 of Coahuila and Texas (p. 274). One of its boundary lines was defined by Act of May 24, 1838 (p. 36), and its boundaries were completely defined by Act of April 18, 1846 (p. 86), and were further affected by Act of March 17, 1887 (p. 28), and April 13, 1891 (p. 172). Mr. Pressler, expert draughtsman of the General Land Office of Texas, is authority for the statement that no part of the present county is included in the original territory.

IV.—COUNTIES, THE LAWS CREATING WHICH HAVE BEEN REPEALED.

Buchel.—By Act of April 22, 1897, this county was abolished and its territory included within Brewster county.

Dawson.—By Act of February 1, 1857 (p. 87), a county by the name of Dawson was created from Kinney and Uvalde counties. The act was not expressly repealed, but the county was obliterated by Acts of September 29 and October 5, 1866 (pp. 18 and 21), changing lines of Uvalde and Kinney. Its territory was entirely distinct from that of the present county of Dawson.

Foley.—By Act of April 22, 1897, this county was abolished and its territory included in Brewster county.

Wegefarth.—Wegefarth county was created by Act of May 31, 1873 (p. 67). It included a large territory on Prairie Dog Town Fork of Red River. The creative act was repealed August 21, 1876.

V.—COUNTIES WHOSE TERRITORY IS NO LONGER CONSIDERED PART OF THE STATE.

Greer.—The county of Greer, composed of territory between the Red River and the Prairie Dog Town Fork thereof, was created by Act of February, 8, 1860 (p. 138). The Supreme Court of the United States has held that this territory was not within the boundaries of Texas. (United States v. Texas, 162 U. S., 1.)

Santa Fe.—The county of Santa Fe was created by Act of March 15, 1848 (p. 95), with the following boundaries: Beginning at junction of Rio Puerco with the Rio Grande, and running up the principal stream of said Rio Grande to its source; thence due north to the forty-second degree of north latitude; thence along the boundary line as defined in the treaty between the United States and Spain to the point where the one hundred degree of longitude west of Greenwich intersects Red River; thence up the principal stream of said Red River to its source; thence in a direct line to the source of the principal stream of the Rio Puerco, and down said Rio Puerco to place of beginning. This territory was ceded to the United States by Act of November 25, 1850, accepting Act of the United States Congress of September 4, 1850.

Worth.—Worth county was created by Act of January 3, 1850 (p. 201). It was composed of the following territory: Beginning on the Rio Grande at the northwest corner of the county of El Paso; thence up said river to a point twenty miles above the town of Sabine; thence due to the eastern branch of the Rio Pecos; thence down said stream to the northeast corner of the county of El Paso; thence with the north boundary line of said county of El Paso to the place of beginning. This territory was included in that ceded to the United States by the Act of November 25, 1850, accepting the act of United States Congress of September 4, 1850.

REMINISCENCES OF AUSTIN AND OLD WASHINGTON.

J. K. HOLLAND.

Texas has an unpublished history, as interesting as it is real, hidden within the dusty leaves of the past, which should be recovered and perpetuated by the State at any cost; for without it the early life of the young Republic and the State will never be seen exactly as it was. Much of it is to be found in the memory of the survivors of that time, and there are lying scattered in waste places many of its fragments in written material which could be had for the asking, or at any rate for a very small consideration. But the opportunities to preserve it that now exist will soon be lost, for the old Texans are fast passing away, and old letters and journals are being continually thrown aside or destroyed as waste paper by owners who do not appreciate their historical value. With the burning of the old capitol in 1881, the people of Texas have to deplore the loss of valuable archives and public documents containing information relative to the leading men and events of its history, which can never be fully reclaimed.

When I first knew Austin, during the '40's, it was a little country town on what was then the Texas frontier, and had only a few hundred inhabitants. Those were the log cabin days of the Republic. General Houston lived in one of the Austin log cabins, which he called his wigwam, and up and down Congress avenue on either side were scattered others in which were located the headquarters of the various departments of the government. At that time houses in Texas had no parlors. There were "groceries," so-called, in which liquor alone was sold, but there were no "saloons." The country was without railroads, or even buggies; but some old rickety stage coaches plied irregularly between San Antonio and Houston by way of Austin, and the passenger who traveled in these had to work his way by carrying a fence rail on his shoulder for long distances and helping to pry the vehicle out of mudholes, in order to reach his destination at all.

The Bastrop highway ran along where Pecan street now is. The

war-cry of the Indians could be heard in the night-time within the very gates of the capital. It was not safe for any man to go alone or without his gun beyond the limits of the town; for there was great danger of being shot or captured by the redskins who lay waiting in the mountains around for an opportunity to steal, rob, or murder. Barton Springs and Mount Bonnell were the only places of resort for the citizens. The old Congress Hall sat on the hill just south of the present Governor's Mansion, on the spot where the City Hall now stands—a spot sacred to all old Texans, for there the fathers of Texas met to deliberate on the weighty affairs that demanded their attention.

It was within this weather-beaten, consecrated old building that I made my political *début* in 1849 as Representative from Rusk and Panola. Later I sat within the same walls as Senator from Shelby and Panola. When I entered the House of Representatives I was one of the youngest, if not in fact the youngest, member of the Legislature. To-day I am, according to the best of my knowledge, the oldest living member of the Senate to which I belonged, and, with the exception of Hon. Guy M. Bryan and Hon. W. H. Martin, the only member of that honorable body still alive. Both of these gentlemen subsequently occupied seats in the United States Congress.

In 1842-3, President Houston, fearing an attack by Santa Anna upon the city of Austin, transferred his administrative headquarters first to Houston and then to Washington on the Brazos, where the seat of government had been located temporarily in earlier times. The town is now nearly extinct. Washington was a small village, and it was difficult for the government to obtain suitable rooms for Congress. About the biggest building in the town was Hatfield's "grocery," or saloon as we now say; but that was a very important place of resort, where congressmen and strangers were most in the habit of congregating. It was in fact too important a place to give up for other purposes; but it was finally yielded to the House of Representatives. The saloon itself was not surrendered; but there was a large hall above it used for gambling purposes, and this hall was rented by the government. In order to accommodate the convenience of the members and to protect them from temptation, it was thought advisable to move the stairway from the inside of the

building to the outside—at least for the time. So it was removed, and the opening where it had passed up into the hall above was temporarily floored over, the boards not being nailed.

In the hall thus prepared occurred the ball at the inauguration of President Anson Jones in 1845, the first and last inaugural ball, as I believe, that was held in Texas during the days of the Republic. The attendance of prominent men and beautiful women was very large, and the ball-room was densely packed. In the course of the evening there happened a *contretemps* of a rather ridiculous nature, the story of which may not be without interest here.

During one of the intervals in the dancing I was sitting beside a young lady, and we were waiting for the tap of the fiddle to take our places on the floor and join the dance. She was rather large, very attractive, and to judge from the marked attention of the distinguished men who surrounded her, very popular also. She seemed to be particularly admired by Gen. T. J. Chambers, who had escorted her to the ball, and who stood beside her while we waited. When the signal came we sprang up to take our places, but I observed that she was pulling back; and on looking around I saw that she was sinking through the floor into the saloon below. I had just time to catch her by one arm. General Chambers lent his assistance, and together we drew her up and relieved her from her awkward position and the prospect of a dangerous fall. Our rising had disarranged the carelessly laid planks over the opening of the staircase, and they had given way beneath her. The delay, however, occasioned by the accident was but momentary; we took position at once, and the dance went merrily on.

In the same hall, some years before, occurred another incident that may be worth relating. A large body of gamblers and like characters had gathered in the town and held complete sway. The citizens were cautious of what they said and to whom they said it, for these men defied all law. While things were in this condition, Rev. Robert Alexander, whom the Methodist church had sent along with Rev. Littleton Fowler and a Rev. Mr. Wilson to preach the gospel in Texas, stopped in Washington. He at once engaged the room over Hatfield's saloon and announced that he would preach there on the following Sunday. The gamblers sent him word that he could not use that hall, that it was employed for other purposes, and that they would not allow him to preach in it. Mr. Alexander

was a man of gigantic frame, being nearly seven feet in height, and had courage in proportion to his size. He repeated his announcement and was there on time. He walked leisurely into the hall and spoke courteously to the men there assembled. Assuming that they were there to hear him, though he knew that it was not so, and that they were getting ready for their usual game, he affected not to notice the cards that he saw them slipping into their seats behind them, and made preparations to begin his sermon. He arose, and some of the more determined men in the crowd made demonstrations as if to rise also, but did not. He opened his Bible and laid it on the billiard table, then remarked that if there were those present who did not wish to hear him they could leave. None left. He said he had come to preach, and he meant to do it. He again remarked that if any were present who did not desire to hear the gospel he wished them to leave. Still nobody went. He then proceeded with a fire and brimstone sermon. Soon after beginning he discovered a little commotion among his hearers. He paused and simply said that he wished their attention, and order was restored at once. When he got through the men came forward, shook his hand and thanked him heartily, made up a purse for him, told him if he ever needed more money to call on them, and sent him on his way rejoicing.

Mr. Alexander continued to preach all over Texas to the time of his death, which occurred at his home in Chappell Hill only a few years ago; but he never lived outside of Washington county. He was honored and loved not only by his own church, but by all denominations.

ENDURING LAWS OF THE REPUBLIC OF TEXAS. I.

C. W. RAINES.

The intermingling of two distinct races on the soil of Texas, with diverse customs and traditions of law, resulted in the mastery of one, but with a blended system of jurisprudence. The two acts cited further along, and forming, in fact, the subject of this paper, well illustrate the spirit of the times when men's minds, just breaking loose from the moorings of a barbaric past, were looking forward to something liberal and ennobling in law-making. And passed as they were amid the throes of a life and death struggle for existence, they reflect more honor on the Republic than the splendid campaigns of Bexar and San Jacinto. "Peace hath her victories no less renowned than war." "There were giants in those days," and bold, far-seeing statesmen, too, to legislate for humanity in all times to come, with the enemy at the gates.

Texas was warring with hostile Indians in the interior and menaced with a Mexican invasion in the west, when Mirabeau B. Lamar entered upon his duties as president. His message to the Congress, breathing a spirit of defiance to all the enemies of the Republic, with words of cheer to his countrymen, touching all subjects of public interest, calm and statesmanlike in tone, embraced in its scope an earnest recommendation to provide a system of education.

Among other things, the president says: "But it would be superfluous to offer to this honorable Congress any extended argument to enforce the practical importance of this subject. I feel fully assured that it will in the liberal spirit of improvement that pervades the social world, lose not the present auspicious opportunity to provide for literary institutions, with an influence commensurate with our future destinies. * * * Our young Republic has been framed by a Spartan spirit. Let it progress and ripen into Roman firmness and Athenian gracefulness and wisdom. * * * The present is a propitious moment to lay the foundation of a great moral and intellectual edifice which will in after ages be hailed

as the chief ornament and blessing of Texas. A suitable appropriation of lands to the purpose of general education can be made at this time, without inconvenience to the Government or the people; but defer it until the public domain shall have passed from our hands, and the uneducated youths of Texas will constitute the living monument of our neglect and remissness.” *

In response to the above message, Mr. E. W. Cullen, Chairman of the House Committee on Education, made an elaborate report, from which are given these pertinent extracts: “Your committee views it as one of the first and paramount duties of Congress to provide a system of general education; and although it is not in our power to carry into effect immediately a general system, yet we should lay the foundation while it is in our power by making suitable appropriations of the public domain and setting the same apart to enable us, so soon as our situation will permit, to establish primary schools and colleges where every class can receive alike the benefits and blessings of education. Intelligence is the only aristocracy in a government like ours (and the improved and educated has and will ever triumph over the ignorant and uneducated mind).” †

The report concludes with recommending for passage a bill prepared by Mr. Cullen; as to which, W. H. Wharton, chairman of the Senate Committee on Education, says in his report: “The committee could present a long report on the importance of education, but believing that fact to be admitted by all, such a report would be commonplace and unnecessary. All that can be done at present is to secure a sufficient reservation of the public lands for the purposes of education. The system of schools can be amended hereafter. Inasmuch as the Committee on Education in the House of Representatives has offered a bill setting apart a certain quantity of lands for the purpose of education, your Committee deem any further action on the subject unnecessary at present.” ‡

Mr. Cullen’s bill accordingly, after a few changes for the better, became the law, as follows:

“An Act entitled an act appropriating certain lands for the establishment of a general system of education.

“Section 1. *Be it enacted by the Senate and the House of Representatives of the Republic of Texas in Congress assembled:* That each county of this Republic shall have three leagues of land sur-

* House Journal, Third Congress, pp. 169-70.

† House Journal, Third Congress, p. 271.

‡ Senate Journal, Third Congress, p. 80.

vayed and set apart for the purpose of establishing a primary school or academy in said county, which said land shall be located and surveyed by the county surveyor or his deputy in each county, and to be paid the fees now allowed by law under the land law, out of the county treasury; *provided*, there is that quantity of good, vacant land in the counties; *and further provided*, that said land may be surveyed in any sized tracts; *provided*, that said lands shall not be surveyed in tracts less than one hundred and sixty acres.*

"Section 2. *Be it further enacted*, That when there is not a sufficient quantity of good land that is vacant in any county, the County Court of such counties shall be, and they are hereby empowered and required to have surveyed upon any of the vacant lands of this Republic, said quantity of land, and pay the expenses of the land out of the county treasury.

"Section 3. *Be it further enacted*, That when said lands are surveyed in accordance with this act, the surveyor shall return a correct description of the same, with the field notes of the survey, to the clerk of the County Court, who shall record the same and forward a transcript of the same to the Commissioner of the General Land Office after it is recorded, with his certificate and seal of office thereto attached; and when the lands so surveyed are not situated in the county for which it is surveyed, the description and field notes shall be recorded in the county where it is surveyed, as well as in the county for which it is surveyed, and forwarded to the Land Office as above described.

"Section 4. *Be it further enacted*, That the President of the Republic be and he is hereby authorized and required to appoint a surveyor and have surveyed on and from any of the vacant lands of this Republic, fifty† leagues of land, which is to be set apart and is hereby appropriated for the establishment and endowment of two Colleges or Universities, hereafter to be created;‡ and that the President is hereby authorized to draw upon the Treasury of this Republic for such sum or sums of money as may be necessary for defraying the expenses to be incurred by locating and surveying said lands.

"Section 5. *Be it further enacted*, That said surveyor so appoint-

* Laws of the Republic of Texas, first session Third Congress, p. 134.

† Twenty leagues in Cullen's bill.

‡ "One to be established in the eastern and the other in the western part of Texas," as in the original bill, was stricken out on its passage. Senator L. T. Wigfall, in his report on the university in the Seventh Legislature, held that the striking out the above clause indicated clearly that it was not intended to have two universities in different parts of Texas, but that the "two universities, as in the law, meant a university for each sex if necessary, one male and the other female." Coeducation solved this difficulty.

ed shall make out a complete description of the land so surveyed, and a neat and correct map of the same, and deposit them, together with the field notes, in the General Land Office of this Republic; shall also take and subscribe to this oath or affirmation: 'I, A. B., do solemnly swear (or affirm) that I have well and truly discharged my duties to the best of my knowledge, skill, and ability, and that the field notes and description of said land are as correct as I could make them. So help me God.' Which said oath is to be taken before a Chief Justice of the County Court and deposited in the Land Office; and the surveyors of the different counties to survey the lands contemplated by this act shall take and subscribe the same oath, which shall be recorded in the clerk's office of the County Court.

"Section 6. *Be it further enacted*, That none of the lands appropriated and set apart by this act for the purpose of education shall be disposed of in any manner except by lease until the expiration of three years, and none of said lands shall be disposed by lease for a longer term than three years.

"JOHN M. HANSFORD,
"Speaker House of Representatives.

"DAVID G. BURNET,
"Pres. Senate.

"Approved Jan. 26, 1839.

"MIRABEAU B. LAMAR."

An amendatory act by the next Congress, approved February 5, 1840, made the chief justice and two associate justices of each county ex officio a board of school commissioners, and added another league to the three leagues before granted; making it the duty of the school commissioners to have said lands located and surveyed as early as might be convenient, and to organize any parts of their several counties into school districts for the purpose of establishing schools in the same, whenever in their opinion the population or interests of education required it.

None but graduates of some college or University might teach in the academic schools, while for the common schools the teacher had to give evidence of a good moral character, and capacity to teach reading, writing, English grammar, arithmetic, and geography.

The following is the educational endowment under the present Constitution as defined in Article VII:

"Sec. 2. All funds, lands, and other property heretofore set apart and appropriated for the support of the public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations of any nature whatsoever; one-half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual school fund.

"Sec. 3. One-fourth of the revenue derived from the State occupation taxes, and a poll tax of one dollar on every male inhabitant of this State between the ages of twenty-one and sixty years, shall be set apart annually, for the benefit of the public free schools, and in addition thereto there shall be levied and collected an annual ad valorem State tax of such an amount, not to exceed twenty cents on the one hundred dollars valuation, as, with the available school fund arising from all other sources, will be sufficient to maintain and support the public free schools of the State for a period of not less than six months in each year." * * *

When Texas entered the Union, the statute of 1839 had attained the stability of a constitutional provision, and to-day, in its complete evolution, it stands for our system of education. And nothing has given Texas so much character at home and abroad as that. In none of its stages of development has it lacked for friends. To say nothing of President Lamar and its original movers, Governor Pease, under its sanction, induced the founding of a system of public schools and set it in operation.* And later on, in 1861, Governor Lubbock, expressly to save the educational fund from improper use, vetoed "An act making an appropriation for the mileage and per diem pay of the members and officers of the Ninth Legislature," which, among other provisions, authorized for the purpose the use of the funds of the University, with other funds named. (Archives State Department, vol. 81, pp. 71-5.) All the statesmen in all the constitutional conventions assisted in its continued development. As for the higher education, besides Governor Roberts and Lieutenant Governor Storey, Senator John C. Buchanan, author of the act establishing the University of Texas, with his able coadjutors, R. M. Wynne, A. W. Terrell, John Y. Gooch, and J. B. Stubbs,† must have due credit. All these may be

* Acts Sixth Legislature, and messages.

† Journals and Messages Sixteenth Legislature, and Lane's History of the University of Texas.

considered as executors of a bequest from the Texan fathers. And what a bequest is the magnificent educational system of Texas, embracing the common schools, the graded schools, the normals, and the great University at Austin, with its branches at Bryan and Galveston—all the outgrowth of the crude statute passed in 1839.

That the Republic of Texas was fully abreast of the age in reformatory legislation is well attested by this statute of the Third Congress: *

“An Act entitled an act to exempt certain property therein named from execution.

“Section 1. *Be it enacted by the Senate and the House of Representatives of the Republic of Texas in Congress assembled:* That from and after the passage of this act, there shall be reserved to every citizen or head of a family in this Republic, free and independent of the power of a writ of *fiery facias* or other execution issuing from any court of competent jurisdiction whatever, fifty acres of land or one town lot, including his or her homestead and improvements not exceeding five hundred dollars in value, all household and kitchen furniture (provided it does not exceed in value two hundred dollars), all implements of husbandry (provided they shall not exceed fifty dollars in value), all tools, apparatus, and books belonging to the trade or profession of any citizen, five milch cows, one yoke of work oxen, or one horse, twenty hogs, and one year’s provisions; and that all laws and parts of laws contravening or opposing the provisions of this act be and they are hereby repealed; *provided*, the passage of this act shall not interfere with contracts between parties heretofore made.

“JNO. M. HANSFORD,

“Speaker of the House of Representatives.

“DAVID G. BURNET,

“President of the Senate.

“Approved Jan. 26, 1839.”

“MIRABEAU B. LAMAR.”

Now, so far as we know, this appears to be the first homestead act ever passed in any country. The spirit of the age was in revolt against the harshness of the common law as to insolvent debtors; and its first effect was the abolition of imprisonment for debt. And the early repeal of the vindictive legislation authorizing such imprisonment is the proud boast of many States in the American

* *Laws of the Republic of Texas*, first session Third Congress, p. 125.

Union. The Republic of Texas makes the prouder boast, that her first constitution expressly rejected this relic of barbarism.

Such dire results as the destruction of trade, etc., which were confidently predicted by some when the creditor lost the power to imprison the debtor, not having followed, the next step was to ameliorate the condition of the insolvent still more, by leaving in his possession, free from the demands of creditors, some of the means of subsistence. This was done in the American State of Alabama and in the Mexican State of Coahuila y Texas in the years 1833-34.

The Alabama statute provided "that one work horse, mule, or pair of oxen, one horse or oxcart, shall be retained by and for the use of every family in the State, free and exempt from levy or sale by virtue of any execution or other legal process." * This was but scant recognition of the debtor's inalienable right to his means of earning a living for himself and family; but it proved to be the entering wedge for better legislation afterwards.

Below is the decree of Coahuila y Texas, No. 277:

"Section X. *Things not implied are understood.*

"Art. 141. Executions in *all* civil cases *shall not* deprive the debtor of those things understood as the only means of his lawful subsistence, nor of those which simply imply his preservation and protection. As

"Art. 142. Every man shall have the right and privilege of retaining his wearing apparel, bed clothing, cooking utensils, and the necessary implements of that trade, calling, or profession whereby he is enabled to obtain the means of support; as also his military accoutrements, of whatever name, nature, or kind they may be.

"Art. 143. If the debtor should be a man of family, the property of his wife and children must be respected, whether it be the property of purchase, increase, or gift; if a gift from the debtor, to be valid to the owner, it must be given, received, and recorded in the office of the alcalde of the jurisdiction previous to the time the present debt demanded by the sheriff was contracted." †

This decree, springing from the more refined jurisprudence of the civil law, more clearly enunciating the principle in question, is more comprehensive and satisfactory throughout than the crude American statute in Alabama.

Decree No. 277, of which the section quoted above is a part, cre-

* Clay's Alabama Digest, Sec. 47.

† Edwards' "History of Texas," p. 176.

ated a judicial circuit called "The Superior Judicial Court of Texas," with all its rules and regulations. The decree is better known among the old American colonists of Texas as Chambers' Jury Law, because it provided a system of jury trial, and because T. J. Chambers was the first superior judge.

This decree, however, was never put fully into operation in Texas, and it is impossible to tell now what might have been the effect. The approaching Revolution turned thought into other channels, and the discussion of laws gave place to the clash of arms. "*Inter arma leges silent.*" It was only after San Jacinto, and when such statesmen as Lamar and Rusk and such soldiers as Albert Sidney Johnston were in high office, that the Republic felt sufficiently composed to enter upon a system of legislation at once liberal, beneficent, and permanent. And of all the laws of the Third Congress none was of more far-reaching importance than the homestead statute. Exemption from forced sale before this time had applied only to personal property. Now for the first time it touched the realty. Under the provisions of this statute, the insolvent debtor has reserved both a home for his family and some means of support.

Though the homestead law of Texas marks the beginning of an era of beneficent legislation; yet curiously enough, little is known of the circumstances of its enactment. The bill met with little or no opposition, and its appearance in our statute book at first excited little notice or comment. The law was salutary in its effects, and six years later, at the Annexation Convention, it knocked for admission into the State Constitution.* Abner S. Lipscomb reported section 22 for the proposed Constitution, which reads thus:

"Section 22. General Provisions. The Legislature shall have power to protect by law from forced sale certain portions of the property of all heads of families, and in all cases the homestead of a family, not to exceed 160 acres of land, shall be exempt from sale by execution."

Jno. Hemphill, afterwards Mr. Lipscomb's colleague on the Supreme Bench of the State, also gave the measure his hearty support. The distinguished President of the Convention, T. J. Rusk, left the chair to take part in the debates on the floor. He offered an amendment striking out 160 acres and inserting in lieu thereof 200 acres

* See Weeks' "Debates of the Texas Convention," p. 417 et seq.

of land, which, after some discussion, was adopted. In this shape, with some other unimportant amendments, it passed, and is the law still as to the number of acres of land. There was scarcely any opposition to the homestead principle *per se*. The question was only as to its extent. The debates disclosed that the Alabama exemption statute of 1833 had been recently (1843) amended so as to embrace a homestead of 40* acres of land. The apparent success of the law in Alabama doubtless helped the passage of the Rusk amendment raising the quantity of land exempted by our homestead law to 200 acres.

The proposed section to the Constitution was carried by a vote of 42 to 14. Statesmen like Isaac Van Zandt and J. Pinkney Henderson voted "no," not because they were opposed to the principle, but to indicate their dissatisfaction with the particular measure. Jas. Love, one of the delegates from Galveston, voted "no," because, as he claimed, it was a discrimination against the poor. Jas. Scott, a delegate from Montgomery, opposed the whole exemption idea, and denounced the proposed section as a piece of dishonesty and a fraud on the rights of creditors. He carried his opposition so far as to have his protest spread on the record.

Once imbedded in the organic law, the homestead act has had a triumphant course through all the successive constitutional conventions. Surviving the contention of political parties and the shock of revolution, the homestead idea in its fullness is thus expressed in the existing statutes of Texas:

"The homestead of a family, not in a town or city, shall consist of not more than two hundred acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town, or village, consisting of a lot or lots not to exceed in value five thousand dollars at the time of their designation as the homestead, without reference to the value of any improvements thereon."†

The following explanation is added in the statute:

"The exemption of the homestead provided for in this chapter shall not apply when the debt is due

"1. For the purchase money of such homestead, or a part of such purchase money.

* Judge Baylor in debate said 160 acres; but see Clay's Alabama Digest, Secs. 48 and 49.

† Revised Civil Statutes of Texas, Title XLII, Chap. II, Art. 2396.

"2. For taxes due thereon.

"3. For work and material used in constructing improvements thereon."

Legislation in derogation of rights under the common law is, as a rule, strictly construed by the courts; but in deference to popular sympathy, doubtless, they give a liberal construction to the homestead law, and thus materially extend its provisions in case of doubt or ambiguity, and through successive constitutions and judicial decisions the principle has been continually growing in Texas. And the example of Texas has been contagious throughout the Union; so much so that in every State and Territory the exemption principle is recognized as to property, real or personal, or both. In fifteen or more States there are constitutional provisions for the exemption of the homestead from forced sale—the distinctive Texan idea. The principle is also recognized in Federal legislation and in the decisions of the Federal courts.

Who originated the homestead law? It would seem that the author of this law would be well known to the world. Not so, however. History does not claim to have found out his name, nor do the journals of the Congress disclose it. Neither do any of the congressional records that I have been able to examine in the State Department definitely point out his name. But there is, or rather was, another source of information—the man himself who claimed the honor, Judge Emory Rains,* then the member from Shelby and Sabine counties. The Judge was chairman of the Senate Judiciary Committee, to which was referred a joint resolution exempting certain property therein named from execution. This joint resolution, however, exempted only personal property, and not a homestead.

I can not trace this resolution or any bill in either house with certainty to the statute itself. "A bill to exempt certain property

* Judge Rains was a Tennessean by birth, and came to Texas about the time of the coming of Austin's first colony; was alcalde, or judge, under the Mexican regime, and hence his title; was senator in the Texan Congress, member of the constitutional convention of 1845, and several times a member of the State legislature. He is not reported in Weeks' Debates of the Convention of 1845 as having made a speech; but he worked, as he assured me, for his favorite measure, the homestead provision, with all his might, and supported every amendment tending to its enlargement.

from execution" did pass the Senate on the day of adjournment,* though I can not ascertain its provisions, whether extending to realty or not. It was reported either from the Committee on Indian Affairs or the Committee on Public Lands, it is not certain which, but, of course, presumably the latter. The Senate Journals do not show the name of the member who offered the bill.

The exemption bill which passed the House† was introduced by Louis P. Cook.‡ On the last day of the session "a message was received from the Senate informing the House that the Senate had concurred in 'An act to exempt certain property therein named from execution.'" And this is the title of the enrolled bill which, passing both houses, became the law. This tends to show, but not conclusively, that the law originated from the House bill. If true, the credit of offering the bill evidently belongs to Cook, whoever may have conceived the idea and prepared the bill itself. I have yet to learn, however, that Cook ever claimed to have originated the homestead law.

Such well known Texans as Judge Reagan and Governors Lubbock and Roberts vouch for Judge Rains' character as a man of truth and honor, and Governor Roberts says unqualifiedly that he would implicitly believe any statement that Rains had made on this subject.

It only remains to add, that Judge Rains always claimed the honor of originating the homestead law. He made this claim repeatedly on the hustings and elsewhere from 1839 on, and there has never been any rival claimant for the honor. All the acquaintances of the Judge in Eastern Texas, the place of his residence, will bear witness to the truth of this statement.

From the foregoing, it may be accepted as true that the Republic of Texas led the way in homestead legislation, and that Emory Rains§ framed the first homestead statute of the age.

* Senate Journal, Third Congress, p. 131.

† House Journal, Third Congress, p. 238.

‡ Cook was a New Yorker, a prominent member of the House in the Third Congress, and Secretary of the Navy in 1839. He died in 1849.

§ While I was holding the County Court for Van Zandt county in 1877, Judge Rains, who had business in the court, was a guest at my home in Wills Point. He then claimed, as he had done for decades before, that he originated the homestead law; and he told me many incidents of its origin,

Judge Rains was gathered to his fathers at a ripe old age, honored and respected in the little county that bears his name, and his ashes sleep well in a neglected grave on the banks of the historic Sabine.

which in the main have slipped my memory. One incident, however, is clear, that he introduced his bill through a fellow member of Congress, and that it did not appear from the journals who was the author. His name appears spelled with an "e" in the Senate Journal of the Second Congress, but I had it from his own lips that he dropped the silent letter at quite an early period.

THE OLD THREE HUNDRED.

A LIST OF SETTLERS IN AUSTIN'S FIRST COLONY.

LESTER G. BUGBEE.

The scheme for the distribution of land to his colonists which Stephen F. Austin laid before the governor of Texas in 1821 provided that each head of a family should receive 640 acres for himself, and an additional but smaller grant for his wife, children, and slaves. This arrangement was superseded by the colonization law passed by the Junta of Iturbide and confirmed, by special decree applicable to Austin's contract only, by the republican government which came into power upon the Emperor's deposition. By this law each family received not less than one labor (about 177 acres) or one sitio (about 4428 acres) of land, according as the occupation of the head was farming or stock-raising. The lands were distributed by a commissioner, appointed by the governor of Texas, who issued titles to the settlers designated by Austin. The law gave Austin and the commissioner jointly the power to increase without limit the quantity of land assigned to persons who were especially deserving. Under this provision, James Cummins, John P. Coles, and William Rabb received large tracts for erecting mills. Jared E. Groce was given ten sitios "on account of the property he has brought with him," which consisted chiefly in a large number of slaves; and many families who came to Texas in 1821 and 1822, and endured the hardships of those winters, reaped the reward of their patience in increased grants.

The three hundred families were all, or nearly all, in Texas before the close of the summer of 1824. The work of issuing titles was begun by the commissioner, Baron de Bastrop, in July of that year; before August 24, when he was called away, he had issued two hundred and seventy-two. The work remained unfinished till 1827, when Gaspar Flores was appointed commissioner and gave deeds to the remaining families.

There was no provision in the law for granting land to men with-

out families. These were joined in groups of two and three, and each group constituted a legal family, which explains the numerous partnerships in the list given below.

The lands chosen by the settlers were the rich bottoms of the Brazos, the Colorado, and the Bernard, each sitio having a frontage on the river equal, in theory at least, to about one-fourth of its length; the east bank of the Brazos was wholly occupied from the Gulf as far up as the present county of Brazos. The greater part of the labors were laid off in three groups, one just above San Felipe de Austin, another a short distance below, and the third across the river immediately opposite the town.

There were three hundred and seven titles issued; nine families received two titles each, which leaves, not including Stephen F. Austin, two hundred and ninety-seven as the actual number of families introduced under this contract. The law required that all lands should be occupied and improved within two years after receipt of deed. It is a sufficient commentary on the sturdy character of these early settlers that but seven of the grants were forfeited.

The original titles are now in the archives of the General Land Office at Austin, Texas, bound in volumes of convenient size. They were also copied, as they were issued, by Samuel M. Williams, in the Register of Land Titles, etc., and these copies, by special decree of the government, were declared of equal validity with the originals. They have since been translated. My references are to the translated Register and to the original titles. The form and spelling of all the names except thirty-one are taken from the autographs of the settlers affixed to their applications, which appear in the deeds. In many instances the spelling of the names has been altered by Samuel M. Williams or his clerk. The title, for instance, which clearly bears the autograph of *Pleasant D. McNeel*, is issued to *Pleasant D. McNeil*. Most of the signatures are plainly written.

Only four of those whose autographs are given in the titles were unable to write.

Name.	Amount.		Location (present county).	Date of title.	Translated Register. Vol. and page.	Original Titles, folio and page.
	Sitios.	Labors.				
Allcorn, Elijah.....	1	.....	Fort Bend	July 10, 1824	I, 84-5	I, 78
	½	.....	Washington	July 10, 1824	" 84-5	" 78
	1	.....	Waller	July 10, 1824	" 84-5	" 78
Allen, Martin.....	1	.....	Wharton	July 19, 1824	" 190-1	" 184
	1	.....	Austin	July 19, 1824	" 190-1	" 184
Alley, John.....	1	.....	Jackson and Lavaca	May 14, 1827	" 572-3	II, 558
Alley, John ¹	1	.....	Fayette	May 16, 1827	" 580-1	" 566
Alley, Rawson.....	1½	.....	Colorado	Aug. 3, 1824	" 294-5	I, 288
Alley, Thomas.....	1	.....	Brazoria	July 29, 1824	" 274-5	" 268
Alley, William.....	1½	.....	Brazoria	Aug. 3, 1824	" 296-7	" 290
Alsbury, Charles G.....						
Alsbury, Harvey						
Alsbury, Horace						
Alsbury, Thos.....	2	.....	Fort Bend and Brazoria.....	July 8, 1824	" 48-9	" 42
	1½	.....	Waller	July 8, 1824	" 48-9	" 42
Anderson, S. A.....	1	.....	Fayette	Aug. 10, 1824	" 374-5	II, 368
Andrews, John	1	.....	Fayette and Colorado.....	July 7, 1824	" 42-3	I, 36
	1	.....	Waller	July 7, 1824	" 42-3	" 36
Andrews, William	1	.....	Fort Bend	July 15, 1824	" 112-3	" 106
	1	.....	do	July 15, 1824	" 112-3	" 106
Angier, Samuel T. ²	1	.....	Brazoria	Aug. 16, 1824	" 464-5	II, 458
Angier, Samuel T.....	1	.....	do	Aug. 24, 1824	" 544	"
Austin, John.....	2	.....	Harris	July 21, 1824	" 206-7	I, 200
Austin, John.....	1	.....	Brazoria	Aug. 24, 1824	" 550	II, 537
Austin, Santiago E. B.....	3	.....	do	Aug. 19, 1824	" 524-5	" 518
	1	.....	do	Aug. 19, 1824	" 524-5	" 518
Austin, Santiago B.....	1	.....	Waller	Aug. 24, 1824	" 551	" 537
Austin, Estevan F.....	5	.....	Brazoria	Sept. 1, 1824 ³	II, 22-3	" 608
	7½	.....	do	Sept. 1, 1824	" 23	" 608
	½	.....	do	Sept. 1, 1824	" 23	" 608
	½	.....	do	Sept. 1, 1824	" 24	" 608
	¼	.....	do	Sept. 1, 1824	" 24	" 608
	1½	.....	do	Sept. 1, 1824	" 24-5	" 608
	2 1-6	.....	do	Sept. 1, 1824	" 25	" 608
	3 1-6	.....	Wharton.....	Sept. 1, 1824	" 25	" 608
	2	.....	do	Sept. 1, 1824	" 25-6	" 608
	3	.....	Brazoria	Sept. 1, 1824	" 26	" 608
Baily, James B.....	1	.....	do	July 7, 1824	I, 31-3	I, 26
Balis, Daniel E. ⁴	1	.....	Matagorda	April 14, 1828	II, 15-16	II, 602
Baratt, William ⁵	1	.....	Fort Bend	June 4, 1827	" 3-4	" 590
Barnet, Thomas.....	1	.....	Fort Bend	July 10, 1824	I, 96-7	I, 90
Battle, M. M. ⁶	1	.....	Matagorda	Aug. 10, 1824	" 370-71	" 364
Battle, Mills M.....	1	.....	Fort Bend	May 31, 1827	" 600-1	II, 586
Beard, James.....	1	.....	Fort Bend	Aug. 10, 1824	" 384-5	" 378
Beason, Benjani.....	1	.....	Colorado	Aug. 7, 1824	" 330-1	" 324
Belknap, Charles ⁷	1	.....	Fort Bend	May 22, 1827	" 584-5	" 570
Bell, Josiah H.....	1½	.....	Brazoria	Aug. 7, 1824	" 346-7	" 340
Bell, Thomas B.....	1	.....	do	Aug. 16, 1824	" 438-9	" 432
Berry, M. ⁸.....	.....	.....	.....	.....	.....	.....
Best, Isaac	1	.....	Waller	Aug. 19, 1824	" 500-1	" 494
Betts, Jacob.....	1	.....	Matagorda	Aug. 19, 1824	" 518-9	" 512
Biggam, Fras.....	1	.....	Wharton	July 10, 1824	" 90-1	I, 84
	1	.....	Brazoria	July 10, 1824	" 90-1	" 84
	1	.....	Waller	July 10, 1824	" 90-1	" 84
Bloodgood, Wm.....	1	.....	Chambers and Harris.....	Aug. 10, 1824	" 368-9	II, 362

¹Son of William Alley, who came to Texas in 1825 and was killed by Indians.

²Partner of Geo. B. Hall and Thomas Bradley.

³This is the date of the deed issued by Baron de Bastrop; Austin's titles were confirmed by Flores May 31, 1828, after he had completed the work, left unfinished by

Bastrop, of issuing titles to the 300 settlers.

⁴Partner of Isaac Vandorn.

⁵Partner of Abner Harris.

⁶Partner of M. Berry and John Williams, Sr.

⁷Partner of George Brown.

⁸See M. M. Battle.

Name.	Amount.		Location (present county).	Date of title.	Translated Register, Vol. and page.	Original Titles, folio and page.
	Sitios.	Labors.				
Boatwright, Thomas.....	1	.....	Austin.....	July 27, 1824	I, 260-1	I, 254
Borden, Thos. ¹	1	.....	Brazoria.....	July 29, 1824	" 280-1	" 274
Bostwick, Caleb R. ²	1	.....	Matagorda.....	July 24, 1824	" 238-9	" 232
Bowman, John T. ³	1	.....	do.....	Aug. 21, 1824	" 534-5	II, 523
Bradley, Edward R.....	1	.....	Brazoria.....	Aug. 10, 1824	" 380-1	" 374
Bradley, John.....	1	.....	do.....	July 8, 1824	" 68-9	I, 62
Bradley, Thomas ⁴.....	.....	.....	.....	.....	.....	.....
Breen, Charles.....	1	.....	Brazoria.....	May 24, 1824	" 588-9	II, 574
Brias, Patrick ⁵	1	.....	Harris.....	May 1, 1827	" 546-7	" 542
Bridges, William B.....	1	.....	Jackson.....	July 21, 1824	" 200-1	I, 194
Bright, David.....	1	.....	Fort Bend.....	July 15, 1824	" 120-1	" 114
.....	.....	1	Austin.....	July 15, 1824	" 120-1	" 114
Brinson, Enoch.....	1	.....	Harris.....	Aug. 7, 1824	" 338-9	II, 332
Brooks, Bluford ⁶	1	.....	.....	Aug. 10, 1824	" 336-7	" 380
Brotherington, Robert ⁷.....	.....	.....	.....	.....	.....	.....
Brown, George ⁸.....	.....	.....	.....	.....	.....	.....
Brown, John.....	1	.....	Harris.....	Aug. 19, 1824	" 522-3	" 516
.....	.....	1	Waller.....	Aug. 19, 1824	" 522-3	" 516
Brown, William S.....	1	.....	Washington.....	July 29, 1824	" 238-9	I, 262
Buckner, Aylett C.....	1	.....	Matagorda.....	July 24, 1824	" 224-5	" 218
Buckner, Aylett C.....	.....	2	do.....	Aug. 24, 1824	" 553	II, 539
Burnet, Pumphrey ⁹	1	.....	do.....	July 24, 1824	" 246-7	I, 240
Burnam, Jesse.....	1	.....	Fayette.....	Aug. 16, 1824	" 466-7	II, 460
.....	.....	1	Colorado.....	Aug. 16, 1824	" 466-7	" 460
Byrd, Micajah.....	1	.....	Washington.....	July 16, 1824	" 146-7	I, 140
Calliham, Mosis A. ¹⁰	1	.....	Harris.....	Aug. 3, 1824	" 304-5	" 140
Calvit, Alexr.....	1	.....	Brazoria.....	Aug. 3, 1824	" 322-3	II, 316
.....	.....	1	Waller.....	Aug. 3, 1824	" 322-3	" 316
.....	.....	1	Brazoria.....	Aug. 3, 1824	" 322-3	" 316
Carpenter, David ¹¹	1	.....	Harris.....	Aug. 16, 1824	" 428-9	" 422
Carson, Wm. C.....	1	.....	Brazoria.....	May 15, 1827	" 578-9	" 564
Carter, Saml.....	1	.....	do.....	July 8, 1824	" 46-7	I, 40
Cartwright, Jesse H.....	1	.....	Fort Bend.....	Mar. 31, 1828	II, 9-10	II, 596
.....	.....	1	Lavaca.....	Mar. 31, 1828	" 9-10	" 596
Cartwright, Thomas.....	1	.....	Colorado.....	Aug. 10, 1824	" 408-9	" 402
.....	.....	1	Austin.....	Aug. 10, 1824	" 408-9	" 402
Castleman, Sylvenus.....	2	.....	Wharton.....	July 7, 1824	" 28-9	I, 22
.....	.....	½	Fayette.....	July 7, 1824	" 28-9	" 22
.....	.....	2	Austin.....	July 7, 1824	" 28-9	" 22
Chance, Samuel ¹²	1	.....	Brazoria.....	July 27, 1824	" 262-3	" 256
Charles, Isaac N. ¹³	1	.....	do.....	May 21, 1827	" 582-3	II, 568
Chriesman, Horatio.....	1	.....	Fort Bend.....	July 8, 1824	" 72-3	I, 66
.....	.....	2	Austin.....	July 8, 1824	" 72-3	" 66
Clarke, Antony R.....	.....	1	Brazoria.....	Aug. 24, 1824	" 543	II, 533 bis
Clark, John C.....	1	.....	Wharton.....	July 16, 1824	" 130-1	I, 124
Coats, Merit M.....	1	.....	Waller.....	July 19, 1824	" 160-1	" 154
Coles, Jno. P.....	7½	.....	Burleson and Washington.	Aug. 19, 1824	" 530-1	II, 524
.....	.....	½	Washington.....	Aug. 19, 1824	" 530-1	" 524
.....	.....	½	Brazoria.....	Aug. 19, 1824	" 530-1	" 524
Cooke, Jno. ¹⁴	1	.....	do.....	Aug. 10, 1824	" 398-9	" 392
.....	.....	1	Harris.....	Aug. 10, 1824	" 398-9	" 392
Cook, James ¹⁵	1	.....	Colorado.....	Aug. 3, 1824	" 298-9	I, 292
Cooper, William ¹⁶	1	.....	Matagorda.....	July 24, 1824	" 240-1	" 234

¹Partner of H. W. Johnson and Thos. Walker.

²Partner of Robert Brotherington.

³Partner of Henry Williams.

⁴See S. T. Angier.

⁵Partner of John Trobough; this name appears on the Land Office maps and in the Register of Deeds as Patrick Reels. The signature is not perfectly clear.

⁶Forfeited.

⁷See Caleb R. Bostwick.

⁸See Charles Belknap.

⁹Partner of Albert L. Sojourner.

¹⁰Partner of Allen Vince.

¹¹Partner of William Harris.

¹²Partner of Joseph H. Polley.

¹³Partner of Daniel Shipman.

¹⁴Partner of Isaac Hughes; grant afterwards forfeited.

¹⁵Partner of Bluford Dewees.

¹⁶Partner of Moses Morrison.

Name.	Amount.		Location (present county).	Date of title.	Translated Register, Vol. and page.	Original Titles, folio and page.
	Sitios.	Labors.				
Cooper, William	1½	2	Waller	Aug. 10, 1824	I, 414-5	II, 408
Crier, John	1	.....	Austin	Aug. 10, 1824	" 414-5	" 408
Crownover, John	1	.....	Matagorda	June 6, 1827	II, 5-6	" 594
		.....	Wharton and Matagorda.	Aug. 3, 1824	I, 316-7	" 310
Cummings, James	1	1	Austin	Aug. 3, 1824	" 316-7	" 310
	5 1	.....	Brazoria	Aug. 16, 1824	" 458-9	" 452
Cummings, John	1	.....	.....	Aug. 16, 1824	" 458-9	" 452
Cummings, Rebecca	1	.....	Brazoria	July 21, 1824	" 218-9	I, 212
		2	.....do	July 21, 1824	" 220-1	" 214
Cummings, William	1	.....	Waller	July 21, 1824	" 220-1	" 214
Cummins, James	1	.....	Brazoria	July 21, 1824	" 198-9	" 192
	5	.....	Colorado	July 7, 1824	" 24-6	" 19
		1	Austin	July 7, 1824	" 24-6	" 19
		1	Colorado	July 7, 1824	" 24-6	" 19
Curtis, James, Sen.	1	.....	Burleson	Aug. 3, 1824	" 308-9	II, 302
Curtis, James, Jr.	1	.....	Brazos	Aug. 19, 1824	" 496-7	" 490
Curtis, Hinton	1	.....	Matagorda	Aug. 10, 1824	" 366-7	" 360
Davidson, Samuel	1	.....	Brazos	July 21, 1824	" 222-3	I, 216
Davis, Thomas ²	1	.....	Austin	July 29, 1824	" 266-7	" 250
Deckrow, D. L. ³	1	.....	Matagorda	July 24, 1824	" 236-7	" 230
Demos, Charles	1	.....	.....do	Aug. 3, 1824	" 290-1	" 284
Demos, Peter	1	.....	.....do .....	.....	" 250-1	" 244
Deweese, Wm. B. ⁴						
Dickinson, John	1	.....	Galveston and Harris.	Aug. 19, 1824	" 506-7	II, 500
Dillard, Nicholas	1	.....	Brazoria	Aug. 16, 1824	" 426-7	" 420
Duke, Thomas M.	1	.....	Matagorda	July 24, 1824	" 234-5	I, 228
Duty, George	1	.....	Fayette	July 19, 1824	" 182-3	" 176
Duty, Joseph	1	.....	Colorado	July 19, 1824	" 180-1	" 174
Dyer, Clement C.	1	.....	.....do	Aug. 10, 1824	" 388-9	II, 382
Dyer, Clement C.	1	1½	Waller	Aug. 24, 1824	" 549	" 536 bis
Earle, Thos.	1	.....	Harris	July 7, 1824	" 38-9	I, 32
		1	.....do	July 7, 1824	" 38-9	" 32
Edwards, G. E.	1	.....	Wharton	Aug. 19, 1824	" 472-3	II, 466
Elam, John ¹	1	.....	.....	Aug. 7, 1824	" 326-7	" 320
Elder, Robert	1	1	Waller	Aug. 24, 1824	" 538	" 531a
Falenash, Charles	1	.....	Burleson	Aug. 19, 1824	" 514-5	" 508
Fenton, David	1	.....	Matagorda	July 29, 1824	" 278-9	I, 272
Fields, John F.	1	1	Brazoria	Aug. 24, 1824	" 542	II, 533
Fisher, James	1	.....	Burleson	July 19, 1824	" 174-5	I, 168
Fitzgerald, David	1	.....	Fort Bend	July 10, 1824	" 88-9	" 82
Flanakin, Isaiah		2	Austin	July 19, 1824	" 156-7	" 150
Flowers, Elisha	1	.....	Matagorda	July 19, 1824	" 168-9	" 162
		1	Colorado	July 19, 1824	" 168-9	" 162
Foster, Isaac	1	.....	Matagorda	Aug. 10, 1824	" 372-3	II, 366
Foster, John	2½	.....	Fort Bend	July 15, 1824	" 118-9	I, 112
		3	.....do	July 15, 1824	" 118-9	" 112
Foster, Randolph	1	.....	Waller and Fort Bend.	July 16, 1824	" 134-5	" 128
Frazier, James ⁵	1	.....	Austin and Fort Bend.	July 24, 1824	" 254-5	" 248
Fulshear, Chh.	1	.....	Fort Bend	July 16, 1824	" 126-7	" 118
Garret, Charles	1	.....	Brazoria	July 15, 1824	" 108-9	" 102
		1	Waller	July 15, 1824	" 108-9	" 102
Gates, Samuel	½	.....	Washington	July 8, 1824	" 60-1	" 54
	½	.....	.....do	July 8, 1824	" 60-1	" 54
Gates, William	1	.....	.....do	July 16, 1824	" 144-5	" 138
	1	.....	.....do	July 16, 1824	" 144-5	" 138
George, Freeman	1	.....	Matagorda	July 7, 1824	" 40-1	" 34
		1	Waller	July 7, 1824	" 40-1	" 34
Gilbert, Preston	1	.....	Colorado	June 4, 1827	II, 1-2	II, 588
Gilbert, Sarah	1	.....	Wharton and Fort Bend.	May 11, 1827	I, 570-1	" 556

¹Forfeited.²Partner of David H. Milburn.³Partner of Thomas McCoy.⁴See James Cook.⁵Partner of David Shelby and John McCormick.

Name.	Amount.		Location (present county).	Date of title.	Translated Register, Vol. and page.	Original Titles, folio and page.
	Sitios.	Labors.				
Gilleland, Daniel.....	1	1	Austin.....	Aug. 3, 1824	I, 288-9	I, 282
Gorbet, Chester S.....	1	1	Brazoria.....	July 19, 1824	" 172-3	" 166
Gouldrich, Michael.....	1	1	Galveston.....	Aug. 24, 1824	" 545	II, 534 bis
Gray, Thos. ¹	1	1	Brazoria.....	Aug. 16, 1824	" 436-7	" 430
Groce, Jared E. ²	1	1	Colorado.....	Aug. 16, 1824	" 436-7	" 430
	2	2	Brazoria.....	July 29, 1824	" 264-5	I, 258
	3	3	Waller.....	July 29, 1824	" 264-5	" 258
Guthrie, Robert.....	1	1	Grimes.....	July 29, 1824	" 264-5	" 258
Haddan, John.....	1	1	Jackson.....	July 19, 1824	I, 154-5	I, 143
Hady, Samuel C.....	1	1	Colorado.....	July 29, 1824	" 272-3	" 266
Hall, Geo. B. ³	1	1	Waller.....	Aug. 19, 1824	" 482-3	II, 476
Hall, John W.....	2	2	Brazoria.....	July 10, 1824	" 74-5	I, 68
	2	2	Waller.....	July 10, 1824	" 74-5	" 68
Hall, W. J.....	1	1	Fort Bend.....	July 10, 1824	" 86-7	" 80
Hamilton, David.....	1	1	Wharton.....	May 9, 1827	" 566-7	II, 552
Harris, Abner ⁴	1	1	Harris.....	Aug. 19, 1824	" 508-9	" 502
Harris, David.....	1	1	do.....	Aug. 16, 1824	" 444-5	" 438
Harris, John R.....	1	1	do.....	Aug. 16, 1824	" 444-5	" 438
Harris, William ⁵	1	1	do.....	Aug. 16, 1824	" 444-5	" 438
Harris, William.....	1	1	Brazoria.....	July 10, 1824	" 80-1	I, 74
Harris, Wm. J.....	1	1	Harris.....	July 21, 1824	" 214-5	" 208
Harrison, George.....	1	1	Brazoria.....	Aug. 16, 1824	" 440-1	II, 434
Harvey, William.....	1	1	Austin.....	July 20, 1824	" 196-7	I, 190
Haynes, Thomas S.....	1	1	Brazos.....	Aug. 16, 1824	" 448-9	II, 442
Hensley, James.....	1	1	Brazoria.....	Aug. 3, 1824	" 320-1	" 314
	1	1	Austin.....	Aug. 3, 1824	" 320-1	" 314
Hodge, Alexr.....	1	1	Fort Bend.....	April 12, 1828	II, 13-14	" 600
Holland, Francis.....	1	1	Grimes.....	Aug. 10, 1824	I, 360-1	" 354
Holland, William.....	1	1	do.....	Aug. 10, 1824	" 358-9	" 352
Holliman, Kinchen ⁶	1	1	Austin.....	Aug. 10, 1824	" 382-3	" 376
Hope, James.....	1	1	Brazos.....	July 10, 1824	" 102-3	I, 96
	1	1	do.....	July 10, 1824	" 102-3	" 96
Hudson, C. S.....	1	1	do.....	July 10, 1824	" 102-3	" 96
Huff, John.....	1	1	Wharton.....	July 29, 1824	" 270-1	" 264
Huff, George.....	1½	1½	do.....	July 10, 1824	" 98-9	" 92
			Wharton and Fort Bend.	Aug. 19, 1824	" 494-5	II, 488
Hughes, Isaac ⁷	1	1	do.....	Aug. 19, 1824	" 494-5	II, 488
Hunter, Eli.....	1	1	Wharton.....	July 24, 1824	" 242-3	I, 236
Hunter, Johnson.....	1	1	Harris.....	Aug. 10, 1824	" 400-1	II, 394
Iiams, John.....	1	1	Chambers.....	Aug. 7, 1824	" 342-3	" 336
Ingram, Ira ⁸	1	1	Waller.....	Aug. 24, 1824	" 547	" 535
Ingram, Seth.....	2	2	Wharton.....	July 29, 1824	" 282-3	I, 276
	1	1	Austin.....	July 29, 1824	" 282-3	" 276
Irons, John.....	1	1	Waller.....	July 16, 1824	" 122-3	" 116
Isaacks, Samuel.....	1	1	Fort Bend.....	July 15, 1824	" 106-7	" 100
Jackson, Alexander.....	2	2	Wharton.....	July 16, 1824	" 128-9	" 122
Jackson, Humphrey.....	1	1	Harris.....	Aug. 16, 1824	" 446-7	II, 440
	1	1	do.....	Aug. 16, 1824	" 448-9	" 440
Jackson, Isaac.....	1	1	Grimes.....	Aug. 7, 1824	" 350-1	" 344
Jamison, Thomas ⁹	1	1	Matagorda and Brazoria.	July 24, 1824	" 232-3	I, 226
Johnson, Henry W. ¹⁰	1	1	do.....	July 24, 1824	" 232-3	I, 226
Jones, Henry.....	1	1	Fort Bend.....	July 8, 1824	" 52-3	" 46
Jones, J. W.....	1	1	Wharton.....	Aug. 10, 1824	" 418-9	II, 412
	1	1	Fort Bend.....	Aug. 10, 1824	" 418-9	" 412
Jones, Oliver.....	1	1	Brazoria.....	Aug. 10, 1824	" 416-7	" 410
	1	1	Austin.....	Aug. 10, 1824	" 416-7	" 410

¹Partner of John H. Moore.²The deed states that this large grant is made to Groce because he has "near one hundred slaves and may be useful * * * on account of the property he has brought with him."³See S. T. Angier.⁴See William Baratt.⁵See David Carpenter.⁶Forfeited.⁷See John Cooke.⁸A building lot is also included in this deed.⁹Partner of Thomas Tone.¹⁰See Thomas H. Borden and Thomas Walker.

Name.	Amount.		Location (present county).	Date of title.	Translated Register, Vol. and page.	Titles, folio and page.
	Sitios.	Labors.				
Jones, R.	½	.....	Wharton	July 15, 1824	I, 116-7	I, 110
	½	.....	Fort Bend	July 15, 1824	" 116-7	" 110
		1	.....do	July 15, 1824	" 116-7	" 110
Keep, Imla	1	.....	Brazoria	July 24, 1824	" 248-9	" 242
Keller, John C.	1	.....	Matagorda	June 4, 1827	II, 5-6	II, 592
Kelly, John		2	Brazos	July 19, 1824	I, 164-5	I, 158
Kennedy, Saml	1	.....	Fort Bend	July 7, 1824	" 30-1	" 24
		1	Austin	July 7, 1824	" 30-1	" 24
Kennon, Alfred	1	.....	Burleson	July 19, 1824	" 166-7	" 160
Kerr, James	1	.....	Jackson	May 6, 1827	" 558-9	II, 544
Kerr, Peter		1	Washington	Aug. 10, 1824	" 378-9	" 372
Kerr, William						
Kincheloe, William	1	.....	Wharton	July 8, 1824	" 56-7	I, 50
	1	.....	.....do	July 8, 1824	" 56-7	" 50
Kingston, William ¹	1	.....	Matagorda	May 8, 1827	" 562-3	II, 548
Knight, James ²	1	.....	Fort Bend	July 15, 1824	" 114-5	I, 108
		1	.....do	July 15, 1824	" 114-5	" 108
Kuykendall, Abner	1	.....	.....do	July 7, 1824	" 44-5	" 38
	½	.....	Washington	July 7, 1824	" 44-5	" 38
		2	Austin	July 7, 1824	" 44-5	" 38
Kuykendall, Brazilla	1	.....	.....do	Aug. 7, 1824	" 332-3	II, 326
Kuykendall, Robert	1	.....	Wharton .....	.....	" 132-3	I, 126
	1	.....	.....do .....	.....	" 132-3	" 126
Kuykendall, Joseph	1	.....	Fort Bend	July 8, 1824	" 54-5	" 48
League, Hosea H.	1	.....	Matagorda	May 25, 1827	" 590-1	" 576
Leakey, Joel	1	.....	Washington and Austin	May 28, 1827	" 598-9	II, 584
Linsey, Benjamin ³	1	.....	.....	Aug. 19, 1824	" 516-7	" 570
Little, John	1	.....	Austin	May 21, 1828	II, 19-20	" 606
		1	Fort Bend	May 21, 1828	" 19-20	" 606
Little, William	1	.....	.....do	July 10, 1824	I, 94-5	I, 88
		1	.....do	July 10, 1824	" 94-5	" 88
Long, Jane H.	1	.....	.....do	April 30, 1827	" 554-5	II, 540
		1	Waller	May 1, 1827	" 554-5	" 540
Lynch, James	1	.....	Washington	July 16, 1824	" 148-9	I, 142
Lynch, Nathanael	1	.....	Harris	Aug. 19, 1824	" 512-3	II, 506
McCroskey, John	1	.....	Brazoria	Aug. 16, 1824	" 450-1	" 444
		1	Austin	Aug. 16, 1824	" 450-1	" 444
McCormick, Arthur	1	.....	Harris	Aug. 10, 1824	" 402-3	" 396
McCormick, David	1	.....	Brazoria	July 21, 1824	" 216-7	I, 210
McCormick, John ⁴						
McCoy, Thomas ⁵						
McFarlan, Achilles	1	.....	Brazoria	July 10, 1824	" 82-3	" 76
		1½	Waller	July 10, 1824	" 82-3	" 76
McFarlan, John	1¼	.....	.....do	Aug. 10, 1824	" 412-3	II, 406
		1	.....do	Aug. 10, 1824	" 412-3	" 406
McKenney, Thos. F.	1	.....	Brazos	Aug. 16, 1824	" 456-7	" 450
McKinsey, Hugh ⁶	1	.....	Wharton and Matagorda	Aug. 3, 1824	" 300-1	I, 294
McClain, A. W.			Colorado	July 24, 1824	" 252-3	" 246
McNair, James						
McNeel, Daniel	1	.....	Brazoria	Aug. 3, 1824	" 310-1	II, 304
McNeel, George W.		½	.....do	Aug. 10, 1824	" 406-7	" 400
McNeel, John G.		½	.....do	Aug. 10, 1824	" 406-7	" 400
McNeel, Jno.	1	.....	.....do	Aug. 3, 1824	" 286-7	I, 280
McNeel, Pleasant D.	1	.....	.....do	Aug. 7, 1824	" 348-9	II, 342
McNeel, Sterling	1	.....	.....do	Aug. 19, 1824	" 476-7	" 470
McNutt, Elizabeth	1	.....	Jackson	July 21, 1824	" 202-3	I, 196
McWilliams, William	1	.....	Burleson	July 19, 1824	" 150-1	" 144
Marsh, Shubael	1	.....	Brazoria	July 8, 1824	" 64-5	" 58
Martin, Wily	1	.....	.....do	July 29, 1824	" 276-7	" 270

¹Partner of Peter Powell.²Partner of Walter C. White.³Forfeited.⁴See James Frazier and David Shelby;

McCormick's share of this league was afterwards forfeited.

⁵See Daniel Deckrow⁶Partner of John Smith.

Name.	Amount.		Location (present county).	Date of title.	Translated Register, Vol. and page.	Titles, folio and page.
	Sitios.	Labors.				
Mathis, William	1	.....	Brazos	July 19, 1824	I, 176-7	I, 170
Milburn, David H. ¹	1	.....	Washington	Aug. 19, 1824	" 492-3	II, 486
Miller, Samuel	1	.....	do	Aug. 19, 1824	" 486-7	" 480
Miller, Samuel R.	1	.....	Fort Bend	Aug. 7, 1824	" 352-3	" 346
Millican, James D.	1	.....	Brazos	July 16, 1824	" 140-1	I, 134
Milican, Robert	2½	.....	do	July 16, 1824	" 138-9	" 132
Milican, William	1	.....	do	July 16, 1824	" 142-3	" 136
Minus, Joseph	1	.....	Brazoria	Aug. 19, 1824	" 502-3	II, 496
Mitchell, Asa	1	.....	do	July 7, 1824	" 34-5	I, 28
Mitchell, Asa	½	.....	do	July 7, 1824	" 34-5	" 28
Monks, John L. ²	1	.....	do	Aug. 24, 1824	" 432-3	II, 536
Moore, John H. ³	1	.....	do	Aug. 16, 1824	" 432-3	" 426
Moore, Luke	1	.....	Harris	Aug. 3, 1824	" 306-7	I, 300
Morrison, Moses ⁴	1	.....	do	Aug. 3, 1824	" 306-7	" 300
Morton, William	1½	.....	Fort Bend	July 15, 1824	" 110-1	I, 104
Mouser, David	1	.....	do	July 15, 1824	" 110-1	" 104
Nelson, James	1	.....	Waller	Aug. 19, 1824	" 480-1	II, 474
Newman, Joseph	1	.....	Colorado	Aug. 7, 1824	" 334-5	" 328
Nuckols, M. B.	1	.....	Wharton	Aug. 10, 1824	" 420-1	" 414
	1	.....	Austin	Aug. 10, 1824	" 420-1	" 414
	1	.....	Matagorda and Brazoria.	Aug. 3, 1824	" 314-5	" 308
	1	.....	Brazoria	Aug. 3, 1824	" 314-5	" 308
Orrick, James	1	.....	Austin	Aug. 10, 1824	" 376-7	" 320
Osborn, Nathan ⁵	1	.....	Colorado	July 24, 1824	" 256-7	I, 250
Parks, Wm.	1	.....	Wharton	July 24, 1824	" 226-7	I, 220
Parker, Joshua	1	.....	do	July 24, 1824	" 226-7	" 220
Parker, William	1	.....	Brazoria	July 8, 1824	" 62-3	" 56
	1	.....	Waller	July 8, 1824	" 62-3	" 56
Pennington, Isaac ⁶	1	.....	Fort Bend	Aug. 3, 1824	" 302-3	I, 296
Pentecost, George S.	1	.....	Matagorda	Aug. 19, 1824	" 488-9	II, 468
Pettus, Freeman	1	.....	Colorado and Fayette.	Aug. 3, 1824	" 324-5	" 318
	1	.....	Matagorda and Brazoria.	Aug. 3, 1824	" 324-5	" 318
	1	.....	Colorado	Aug. 3, 1824	" 324-5	" 318
Pettus, Wm.	1	.....	Wharton	July 10, 1824	" 92-3	I, 86
	1	.....	Fort Bend	July 10, 1824	" 92-3	" 86
	1	.....	Waller	July 10, 1824	" 92-3	" 86
Petty, John	1	.....	Fayette	Aug. 10, 1824	" 390-1	II, 384
Peyton, J. C.	1	.....	Matagorda	May 25, 1827	" 592-3	" 576
Phelps, James A. E.	1	.....	Brazoria	Aug. 16, 1824	" 452-3	" 446
	2	.....	do	Aug. 16, 1824	" 452-3	" 446
Phillips, I. B.	1	.....	Wharton	May 9, 1827	" 564-5	" 550
Phillips, Zeno	1	.....	Brazoria	July 19, 1824	" 194-5	I, 188
Picket, Pamela	1	.....	Matagorda	July 21, 1824	" 208-9	" 202
	1	.....	Austin	July 21, 1824	" 208-9	" 202
Polley, Joseph H. ⁷	1	.....	do	July 21, 1824	" 208-9	" 202
Polley, Joseph H.	1	.....	Fort Bend	Aug. 16, 1824	" 460-1	II, 454
Powell, Peter ⁸	1	.....	do	Aug. 16, 1824	" 460-1	" 454
Prater, William	1	.....	Brazoria	July 19, 1824	" 186-7	I, 180
	1	.....	Austin	July 19, 1824	" 186-7	" 180
Pruit, Pleasant	1	.....	Matagorda	July 24, 1824	" 244-5	" 238
Pryor, William	1	.....	Waller	Aug. 24, 1824	" 546	II, 535 bis
Rabb, Andrew	1½	.....	Wharton	Aug. 10, 1824	" 410-1	" 404
Rabb, John	1	.....	Fort Bend	July 8, 1824	" 58-9	I, 52
	2	.....	Austin	July 8, 1824	" 58-9	" 52
Rabb, Thomas J.	1	.....	Wharton	July 24, 1824	" 258-9	" 252
Rabb, William	3	.....	Fayette	July 19, 1824	" 192-3	" 186
	2	.....	Matagorda	July 19, 1824	" 192-3	" 186

¹See Thomas Davis.²Forfeited.³See Thomas Gray.⁴See William Cooper.⁵Partner of Nathaniel Whiting,⁶Partner of David Randon.⁷See Samuel Chance.⁸See William Kingston.

Name.	Amount.		Location (present county).	Date of title.	Translated Register, Vol. and page.	Original titles, folio and page.
	Sitios.	Labors.				
Rabb, William		2	Fayette	Aug. 24, 1824	I, 552	II, 538
Raleigh, William	1		Burleson	Aug. 16, 1824	" 442-3	" 456
Ramey, L.	1		Matagorda	May 23, 1827	" 586-7	" 572
Randon, David ¹						
Randon, John	1		Fort Bend	Aug. 19, 1824	" 484-5	II, 478
Rankin, Frederic H.	1		Harris	July 7, 1824	" 34-5	I, 30
		1	do	July 7, 1824	" 34-5	" 30
Rawls, Amos	1		Matagorda	July 24, 1824	" 228-9	" 222
Rawls, Benjamin ²	1		do	Aug. 3, 1824	" 292-3	" 286
Rawls, Daniel	1 1/4		do	July 24, 1824	" 230-1	" 224
Richardson, Stephen	1		Brazoria	July 10, 1824	" 78-9	" 72
Roark, Elijah	1		Fort Bend	July 10, 1824	" 100-1	" 94
		1	Waller	July 10, 1824	" 100-1	" 94
Robbins, Earle	1		Austin	July 19, 1824	" 178-9	" 172
Robbins, William	1		Brazoria	July 19, 1824	" 184-5	" 178
		1	Austin	July 19, 1824	" 184-5	" 178
Roberts, Andrew	1		Fort Bend	May 11, 1827	" 568-9	II, 554
Roberts, Noel F.	1 1/4		do	July 15, 1824	" 104-5	I, 98
Roberts, William	1		Brazoria	July 8, 1824	" 70-1	" 64
Robertson, Edward	1		Fort Bend	Mar. 31, 1828	II, 11-2	II, 598
Robinson, A.	1 1/2		Brazoria	July 8, 1824	" 76-7	I, 70
	1/2		Washington	July 8, 1824	" 76-7	" 70
		1	Waller	July 8, 1824	" 76-7	" 70
Robinson, Geo.	1		Brazoria	July 8, 1824	" 66-7	" 60
Ross, James	1		Colorado	July 19, 1824	" 158-9	" 152
San Pierre, Joseph		1	Fort Bend	Aug. 24, 1824	" 537	II, 530 bis
Scobey, Robert	1		Wharton	Aug. 3, 1824	" 318-9	" 312
Scott, James	1		Fort Bend	Aug. 7, 1824	" 340-1	" 334
Scott, Wm.	1		Harris	Aug. 19, 1824	" 526-7	" 520
			do	Aug. 19, 1824	" 526-7	" 520
		1	do	Aug. 19, 1824	" 526-7	" 520
Selkirk, William	1		Matagorda	Aug. 10, 1824	" 394-5	" 388
Shelby, David ³						
Shipman, Daniel ⁴	1		Fort Bend	July 19, 1824	" 188-9	I, 182
Shipman, Moses		1	Austin	July 19, 1824	" 188-9	" 182
Sims, Bartlet	1		Wharton	Aug. 7, 1824	" 354-5	II, 348
Singleton, G. W.	1		do	May 14, 1827	" 574-5	" 560
Singleton, Phillip	1		Burleson and Washington	Aug. 19, 1824	" 490-1	" 484
Smith, Christian	1		Harris and Chambers	July 19, 1824	" 152-3	I, 146
Smith, Cornelius	1		Brazoria	Aug. 10, 1824	" 364-5	II, 358
Smith, John ⁵						
Smeathers, William	1		Austin	July 16, 1824	" 124-5	I, 118
Snider, Gabriel Straw	1		Colorado	Aug. 7, 1824	" 328-9	II, 322
Sojourner, Albert Loyd ⁶						
Spencer, Nancy	1		Fort Bend	Aug. 19, 1824	" 498-9	" 492
Stafford, Adam		1	Waller	Aug. 24, 1824	" 536	" 530
Stafford, William	1 1/2		Fort Bend	Aug. 16, 1824	" 434-5	" 428
		1	Waller	Aug. 16, 1824	" 434-5	" 428
			do	Aug. 7, 1824	" 344-5	" 338
Stevens, Thomas	1					
Stout, Owen H. ⁷						
Strange, James		1	Harris	Aug. 24, 1824	" 539	" 531 b
Sutherland, Walter	1		Brazos	Aug. 10, 1824	" 396-7	" 390
Tally, David	1		Brazoria	Aug. 16, 1824	" 462-3	" 456
		1	Austin	Aug. 16, 1824	" 462-3	" 456
Taylor, John I.	1		Harris	Aug. 10, 1824	" 362-3	" 356
Teel, George	1		Fort Bend	Aug. 3, 1824	" 312-3	" 306
Thomas, Ezekiel	1		Harris	Aug. 19, 1824	" 510-1	" 504
Thomas, Jacob		1	Waller	Aug. 24, 1824	" 541	" 532 bis
Thompson, Jesse	1		Brazoria	Aug. 7, 1824	" 336-7	" 330

¹ See Isaac Pennington.² Partner of Owen H. Stout.³ See James Frazier and John McCormick.⁴ See Isaac N. Charles.⁵ See Hugh McKinsey.⁶ See Pumphrey Burnet.⁷ See Benjamin Rawls.

Name.	Amount.		Location (present county).	Date of title.	Translated Register, Vol. and page.	Original titles, folio and page.
	Sitios.	Labors.				
Tone, Thomas J. ¹						
Tong, James F.	1		Brazoria	Aug. 19, 1824	I, 504-5	I, 498
Toy, Samuel	1		Austin	May 7, 1827	" 560-1	" 546
Trobough, John ²						
Tumlinson, Elizabeth	1		Colorado	Aug. 16, 1824	" 468-9	" 462
		1	do	Aug. 16, 1824	" 468-9	" 462
			do	Aug. 19, 1824	" 528-9	" 522
Tumlinson, James	1		Wharton	Aug. 19, 1824	" 528-9	" 522
	½		Colorado	Aug. 19, 1824	" 528-9	" 522
		1				
Vandorn, Isaac ³						
Varner, Martin	1		Brazoria	July 8, 1824	" 50-1	" 44
		1	Waller	July 8, 1824	" 50-1	" 44
Vince, Allen ⁴						
Vince, Richard	1		Harris	Aug. 21, 1824	" 532-3	II, 526
Vince, Robt.			do	July 21, 1824	" 212-3	" 206
Vince, Wm.	1		Washington	July 21, 1824	" 210-1	I, 204
Walker, James	1					
Walker, Thomas ⁵						
Wallace, Caleb	1		Grimes	May 14, 1828	II, 17-8	II, 604
Wells, Francis F.	1		Jackson	July 21, 1824	I, 204-5	I, 198
		1	Brazoria	July 21, 1824	" 204-5	" 198
Westall, Thomas	1		Wharton	July 19, 1824	" 170-1	" 164
		1	Fort Bend	July 19, 1824	" 170-1	" 164
		2	Austin	July 19, 1824	" 170-1	" 164
White, Amy	1		Harris	Aug. 16, 1824	" 454-5	II, 448
White, Joseph	1		Brazoria	Aug. 16, 1824	" 422-3	" 416
White, Reuben	1		Harris	Aug. 19, 1824	" 470-1	" 464
White, Walter C. ⁶						
White, William C.	1		Austin	Aug. 19, 1824	" 520-1	" 514
Whitesides, Boland	1		Brazos and Grimes.	Aug. 10, 1824	" 404-5	" 398
Whitesides, Henry						
Whitesides, James	1		Grimes and Brazos.	July 16, 1824	" 136-7	I, 130
		1	Waller	July 16, 1824	" 136-7	" 130
Whitesides, William	1		do	July 19, 1824	" 162-3	" 156
Whiting, Nathl. ⁷						
Whitlock, William	1		Harris	Aug. 16, 1824	" 430-1	II, 424
Wightman, Elias D	1		Matagorda	May 25, 1827	" 594-5	" 580
Wilkins, Jane	1		Fort Bend	May 26, 1827	" 596-7	" 582
Williams, George I.	1		Matagorda	Aug. 19, 1824	" 474-5	" 468
Williams, Henry ⁸						
Williams, John ⁹						
Williams, John	1		Waller	Aug. 24, 1824	" 540	" 532
Williams, John R. ¹⁰	1			July 29, 1824	" 284-5	I, 278
		1		July 29, 1824	" 284-5	" 278
Williams, Rob. H.	1		Matagorda	Aug. 19, 1824	" 488-9	II, 482
Williams, Samuel M.	1		Brazoria	Aug. 10, 1824	" 392-3	" 386
		1	do	Aug. 10, 1824	" 392-3	" 386
		1	Waller	Aug. 10, 1824	" 392-3	" 386
		1	Austin	Aug. 10, 1824	" 392-3	" 386
		1	Brazoria	Aug. 10, 1824	" 392-3	" 386
Williams, Solomon	1		Matagorda	Aug. 7, 1824	" 356-7	" 350
		1	Waller	Aug. 7, 1824	" 356-7	" 350
Williams, Thomas	1		Matagorda	Aug. 16, 1824	" 424-5	" 418
Woods, Zadock	1		do	May 15, 1827	" 576-7	" 562

¹See Thomas Jamison.²See Patrick Brias.³See Daniel E. Baylis.⁴See M. A. Callihan.⁵See Thomas H. Borden and H. W. Johnson.⁶See James Knight.⁷See Nathan Osborn.⁸See John J. Bowman.⁹See Mills M. Battle and Mandus Berry.¹⁰Forfeited.

FIGHT ON THE FRIO, JULY 4, 1865.

JOHN S. FORD.

Many of the men who were ever ready to meet the Indians in deadly conflict are now gathered to their fathers. Some of them yet live. Among these is Leroy W. Trimble. He lived in Karnes county, at the ranch of his father. The elder Trimble bought cattle on the Leona river, about sixty miles from San Antonio. Late in June, 1865, Leroy Trimble, Daniel Williams and his cousin L. P. Williams and brother J. H. Williams, William English, and Sam W. Trimble left San Antonio to visit Leona river. They stopped on Leona river, at the ranch of Capt. Levi English. They contemplated going to the ranch of Edward Burleson on the fourth of July, to have a dance. This Burleson was a nephew of the elder General Burleson. The young men were gathering horses for the ladies to ride, when a runner came in and spread the news that Indians had crossed from Mexico and had attacked Burleson, but he had escaped. They got his hat and a horse staked about forty yards from his house.

This report changed the program. Everything possible was done to meet the savages. Capt. Levi English assumed the leadership. He gathered all the men he could. Many of them could not procure horses. They were left to protect the women and children, at different houses. At the instance of Captain English, Leroy Trimble and brother remained at his house.

About an hour after the departure of English the horses came to the house running. A gate was opened and they entered a lot. An Indian came within speaking distance, and ordered that the horses be turned out of the lot. Leroy Trimble yelled back to the Indians: "If you wish the horses to be turned out, come and turn them out yourselves."

His brother had a gun without a hammer. He carried a small hammer in his hand to discharge the gun by striking the cap. He was anxious to fire, but was induced not to do so. There were seven Indians in sight, and the danger was a charge upon the house, and a certain destruction of thirty women and children.

Captain English moved from Burleson's ranch with the following men: Edward Burleson, Daniel Williams, B. Oden, Bud English, W. C. Daugherty, John Berry, William Bell, Frank Williams, Alford Franks, George Daugherty — eleven in all. They took the trail near Burleson's house. They had been gone about one hour and a half. Captain English and John Berry were the trailers, and they were proficient in that business. The Indians had proceeded down the Frio river. About 3 o'clock in the evening they came in sight of the Indians, going towards the sun in order to baffle the sight of the white men. They were moving in single file. The Texians counted eighteen horses. Believing this to be the number of Indians, Captain English ordered a charge, which was gallantly made. When the whites reached the Indians they found every horse carrying double, and thirty-six Kickapoo Indians. The Texians came close to their enemies, dismounted, and began fighting. The Indians formed a half-moon and charged. The Texians were too brave to fall back, but fought with desperate courage. The Indians recoiled, and the Texians charged them. In this manner the contest continued for an hour and a half. Finally Edward Burleson killed the chief and the horse he was riding, which belonged to Miss English, now Mrs. Reuben Bell. The loss of their chief dispirited the Kickapoos, and they withdrew. The Texians moved off unmolested.

The loss of the whites were three killed—Daniel Williams, Dean Oden, and Bud English. Captain English had just cautioned him to keep moving, and give the Indians no chance to draw a long sight on him. Immediately after the caution young English was a corpse. He was a young man of much promise and undoubted bravery.

The wounded were: Captain English, Edward Burleson, W. C. Daugherty, George Daugherty, William Bell. John Berry had two arrows shot through his leather leggings into his horse. He was unable to dismount until after the arrows were extracted. He was a man who never declined to take part in a fight. At the end of the battle there were only three Texians unwounded.

The next day Captain Williams of San Miguel came with ten or twelve men. Our force amounted to twenty-one men, and we followed the trail of the Indians. They had camped in a ravine in a

dense thicket, and Captain Williams advised us not to attack them, as they would have greatly the advantage.

On July 5th, Judge Randolph, of Austin, Treasurer of Texas, came along. We told him of the men wounded the day before, and he allowed us the use of his ambulance to haul them to Burleson's ranch.

In order to ascertain the exact loss of the Kickapoos, Leroy W. Trimble went to Santa Rosa, Mexico. He there learned that in the fight of July 4, 1865, the Indians lost six killed and thirteen wounded. The Kickapoos had no idea Trimble knew anything of the affair.

VEN. MARIA JESUS DE AGREDA: A CORRECTION.

EDMOND J. P. SCHMITT.

From an article in the first number of the Quarterly I copy the following sentences: "About 1630, Maria de Agreda, a Spanish missionary lady, spent some years among the wild tribes of Texas. None of her writings are known to be in existence, but she is quoted by Father Mazanet, in 1692, he having seen her report to the 'Father Custodian of New Mexico.' In this quotation there is mention of the 'Kingdom of the Theas,' showing that the same tribes then inhabited this country which we found two hundred years after." *

The writer seems to quote from a letter or report by Father Mazanet; yet there is evidently a misreading of his authority, as there are two misstatements in the quotation as given. For the venerable Sister Maria de Agreda was never in America in body, unless the story of her ecstatic visitation and conversion of the Xumanas be true. Nevertheless her works are extant, and some of them are to be found in the libraries of America.†

Speaking of the Franciscan missions among the Pueblos of New Mexico, Dr. Shea writes:

"About the year 1622, in the Provincial Chapter of the Franciscan Order held in Mexico, the missions which had hitherto been under the care of a Commissary were formed into a Custodia, of which Father Alonzo de Benavides was appointed the first custos. The viceroy of New Spain thereupon authorized him to take twenty-six missionaries to New Mexico, their expenses on the way and their maintenance being paid by the king. But though the new custos entered his district with that number, death, sickness, and hardship soon thinned their ranks, and at the close of the year 1627 the king ordered the viceroy to send thirty Franciscan Fathers to New Mexico. [Cedula of November 15, 1627.]

* *Tribal Society Among Texas Indians*. M. M. KENNEY. *Quarterly of the Texas State Historical Association*, p. 29, Vol. I, No. 1. Also reprinted in *The Texas Magazine*, p. 18, Vol. III, No. 1.

† "*La Mistica Ciudad de Dios*," at St. John's College, Fordham, N. Y.



*Sor Maria
de Jesus*

"On the 4th of September, 1628, nineteen priests and two lay brothers of the order of Saint Francis left the City of Mexico with the newly appointed custos, Father Stephen de Perea; these were maintained by the king, and the nine others at the expense of the province of the Holy Gospel, all ready to meet toil and danger in the missions of New Mexico. [Perea, "Verdadera Relacion de la Grandiosa Conversion que ha auido en el Nuevo Mexico," Seville, 1632.]

"In 1630 Father Benavides was dispatched to Spain, to lay before the sovereign the consoling results of the missions which his zeal had established.

"At Chilili, the chief pueblo of the Tompiros, Father John de Salas founded a mission, which soon had six churches and residences. His zeal extended beyond the limits of that nation. Hearing of the Xumanas, a tribe similar in mode of life to the tribes already known, whose pueblo lay east of the mesa still bearing their name, and not far from the Salt lakes, this missionary about 1623 endeavored to bear the light of the gospel to them. To his surprise he found the Xumanas familiar with the Christian doctrines, and they declared they had been instructed in the faith of Christ by a woman. Her attire, as they described it, was that of a nun, and the missionary showed them a picture of Sister Louisa Carrion, a religious in Spain highly esteemed for her sanctity. The Indians declared that the dress was the same, but the lady who visited them was younger and more handsome. In 1629 Father Benavides resolved to found a mission among this interesting people, and he sent Fathers Perea and Lopez to take up their residence at the great pueblo of the Xumana nation, which he dedicated to St. Isidore, archbishop. When he subsequently returned to Spain, Father Benavides heard of Sister Maria de Agreda, and at her convent learned that she had in ecstasy visited New Mexico and instructed the Indians there. The Franciscan writers all from this time speak of this marvelous conversion of the Xumanas by her instrumentality as a settled fact. The ruins recently called Gran Quivira are, in all probability, the site of a Xumana town, the nation having been wasted away by wars and absorbed in some one of the New Mexican tribes. In 1632 Father John de Salas again visited the tribe, accompanied by F. Diego de Ortego, and finding the people friendly and disposed to receive the faith, he left Father Ortego there for six months." [F. Alonso de Posados, in Duro, "Peñalosa," p. 57.]

* *The Catholic Church in Colonial Days.* By JOHN GILMARY SHEA. New York, John G. Shea. 1886. Vol. I of *A History of the Catholic Church Within the Limits of the United States*, published in four volumes, pp. 195-198.

See also "*History of the Catholic Missions Among the Indian Tribes of the United States*," by the same author. p. 81. N. Y. P. J. Kenedy. No date.

In a foot-note Dr. Shea adds: "The Ven. Maria de Agreda, daughter of Francis Coronel and Catherine de Arana, was born at Agreda, April 2, 1602, and after a childhood of great piety and reserve, at the age of sixteen took the veil in the Order of Poor Clares with her mother and sister, their house becoming a convent, her father with her two brothers making their profession in the Convent of San Antonio the same day. Her austerities were extraordinary, but they were supported by a solid and constant piety and virtue. Having become abbess at the age of twenty-five, she erected a new convent near the city, which is still standing. Through life she petitioned the Holy See to define clearly two points made *de fide* in our time—the Immaculate Conception of the Blessed Virgin and the Infallibility of the Sovereign Pontiff. She died on Whitsunday, 1665, and the process of her canonization, begun soon after her death, has been revived in our day." *

Her *Mistica Ciudad de Dios* (The Mystic City of God) was condemned by the Sorbonne, and for some time the Holy See "permitted its circulation only in Spain and Portugal." † "The discussions as to her revelations became quite a controversy, and occupy several volumes, but no final decision was ever made in their favor." ‡ "During her life she underwent a rigorous examination before the Inquisition, of which her long and clear answers are preserved. * * * Her correspondence with Philip IV. ("Cartas de la Ven. M. Sor Maria de Agreda y del Señor Rey Don Felipe IV., Madrid, 1885) show a clear political judgment, a firmness and decision, that the king and his counselors seemed to lack." §

As the *History of the Conversion of the Xumanas* will form the subject of a later article, these few notes may suffice to correct the misapprehension in Mr. Kenney's valuable paper.

* SHEA, *Hist. Cath. Ch. in Col. Days.* p. 198. Note 1.

† *Ibid.*

‡ SHEA, *Hist. Cath. Miss. Among the Indian Tribes in the U. S.* p. 81. Note ‡.

§ SHEA, *Hist. Cath. Ch. in Col. Days.* p. 198. Note 1.

NOTES AND FRAGMENTS.

THE KILLING OF — ROGERS.*—Rogers came very near being killed by the Indians on the Colorado in February, 1839, at the same time with Mrs Coleman. When they appeared he and a young son of Mrs. Coleman were working in a field near the house. The boy was captured and was never recovered, but Rogers succeeded in making his escape.†

In 1840 Rogers was stopping at Kenney's Fort on Brushy creek. This fort had been built by Thomas Kenney,‡ and was the first white settlement in that quarter. One day in the fall, when the buffalo began to come in, Rogers and a man named Ladd went hunting north of the place towards where Georgetown is now located. By and by they discovered some twenty Indians on the divide about half a mile away. Immediately they ran for timber, which was about four hundred yards distant. Rogers, being rather an elderly man, fell behind and was overtaken, speared to death, and scalped. This enabled Ladd to reach one of the dense thickets which then skirted the stream, but which have since disappeared. The Indians followed, but failed to find him. Then they unsaddled their ponies, kindled a fire, and ate in plain view of him as he lay concealed amid the undergrowth and afraid to stir. When they had finished eating, they prepared a target at the edge of the thicket, and much to his discomfort began to practice with their bows and arrows. Fortunately he was not struck, and as soon as they were gone he returned at once to the settlement, or fort, as it was called, and reported. Thereupon a party went out, hunted up the body of Rogers, and buried it.

The grave is now under the plow. As nearly as the place can be located, it is on the farm of John Palm.—*J. W. Darlington, Taylor.*

THE FREEDMAN IN THE LEGISLATURE.—On the adoption of the Constitution of 1868, my old body-servant, Tom, who had been

* Mr. Darlington cannot recall the initials.

† See Wilbarger's Indian Depredations, p. 147.

‡ See Indian Depredations, p. 265, for a short account of the building of the fort and an unsuccessful attack upon it by the Indians.

faithful both to my father and to me, decided to run for the place in the legislature which I myself had previously held. In his speeches in the campaign by which he stepped into my shoes he said he wanted to go to the legislature in order to keep up the record of the family. He claimed to run as an "old member," and his constituents knew no better. The whites were not permitted to vote, and he was therefore elected almost unanimously by the negroes and went from my old district to take my place as representative. As a member of the House he served his people as well as he knew how, drawing his eight dollars per diem from the treasury with the utmost regularity.

Tom was a good man; far better, in fact, than his white associates. I now have in my possession a bill of sale executed in the days of slavery for this member of the Texas legislature, and it is barely possible that he was not the only member that was ever bought and sold. But of this, let him that knoweth speak.—*J. K. Holland, Austin.*

THE ATTITUDE OF THE SPANISH IN TEXAS TOWARDS THE INDIANS.—The attitude of the Spaniard toward the Indian, which finds expression in the official documents of the time, and which undergoes significant changes during the century of Spanish occupation, is a romantic paragraph in our history. When the Spaniard originally came to Texas he was cautioned to win the Indian to allegiance by kindly methods. This was done in a large number of instances. But there was an air of superiority about the Spaniard, a tone of haughty condescension in his voice, when he spoke of the red infidel. He had little respect for the rover, and less for his institutions, and paid no heed to his prowess in battle.

What is here said, it should be noted, applies not to the Franciscan missionaries, but to the Spanish soldiers.

But this state of feeling came to an end with the massacre of San Saba in 1758 and the failure of the Parilla expedition to the *Islas Blancas* a few years thereafter. Previously the Indians had been spoken of as infidels. Now those of the North especially became "*nuestros enemigos barbaros.*" Later the coast Indians gave the Spanish trouble, and won for themselves the same appellation.

Toward the end of the eighteenth century there was another change, and the Indians became known as "*nuestros aliados.*" The

Spanish, who wished no more enemies, were disposed to designate all of them as allies. This disposition was shown especially when the eastern boundary dispute arose. — *W. F. McCaleb, Carrizo Springs.*

RELIGIOUS BELIEF AND CUSTOMS OF TEXAS INDIANS.—The one single instance known to me of faith in the Great Spirit as a being of supernatural power is afforded by a trivial incident, often related in the early days in Austin.

Flacco, a Lipan brave, was listening to a young lady who was drumming on the piano for his amusement. He was a faithful attendant on Captain Mark B. Lewis, and some one knowing it remarked that the young lady was the captain's favorite.

"Oh, no," she said, "I am not tall enough." She was, in fact, very short and remarkably fleshy.

"Yes," said Flacco in his broken English, "you tall, too, but the Great Spirit"—here he raised his hand as if indicating the abode of the Being he mentioned—"he put his hand on head and mash you down."

The ceremony of calling back the spirit of the dead was witnessed by a friend of mine who was present in a Tonqua camp at the death of one of the tribe. Without knowing the Indian custom of using on such occasions a secret name, he described the calling or rather shouting of the name as one of the most impressive things he ever heard. He regarded it as a kind of mourning ceremony, the constant calls being kept up all night.—*Julia Lee Sinks, Giddings.*

TEXAS IN POORE'S CHARTERS.—Under this title appears in the Nation of September 16 the following communication:

To the Editor of the Nation:

Sir: In the matter relative to Texas in Poore's "Charters and Constitutions," there are some mistakes, and a seriously important omission, which are very misleading to those who rely absolutely on the work. Under the title "Texas Declaration of Independence" is printed (Part II, pp. 1752-3) the declaration adopted November 7, 1835, by the consultation at San Felipe de Austin, in favor of the Mexican Federal Constitution of 1824, and against the revolutionary aims of Santa Anna. The foot-note (p. 1752), which says, "This Declaration of Independence was adopted by a convention which assembled at Washington, on the Brazos river, March

1, 1836," applies properly not to "this Declaration, etc.," but to the actual Texas Declaration of Independence, which was adopted March 2, 1836, and has passed by the name into history. The latter is, unfortunately, omitted altogether.

My attention was first directed to these errors by my colleague, Prof. John C. Townes.—*George P. Garrison, University of Texas, Austin, September 3, 1897.*

The Texas Magazine has been moved to Dallas, and is now published by William G. Scarff. Judge C. W. Raines' "Life of Santa Anna," which was commenced in Vol. I., No. 1 of the Magazine, continues one of its attractions. Ex-Governor O. M. Roberts contributes to the August number an interesting paper on "The Shelby War." "Personal Recollections of Stephen F. Austin," written by Moses Austin Bryan for the information of his son, is one of the most valuable as well as readable articles of the September number. A prominent feature of the new Magazine is the emphasis laid upon woman's work in Texas and elsewhere. The Magazine has a fine field and a promising future.

The Midsummer Gulf Messenger (Houston, Texas) is a very creditable number. Besides the usual departments, the following are the leading articles: "Psychical Research," a club paper, by Mrs. C. Lombardi, of Houston; "Women in the Music Teachers' National Association" (illustrated), by Caroline Somers; "Our Relations," a story by Eleanor Kirk, editor of *Eleanor Kirk's Idea*, and author of "Libra," and "The Influence of the Zodiac on Human Life"; "Will Allen Dromgoole as a Poet," with frontispiece, by Louise Preston Looney. A popular feature of this magazine for some months has been the series of sketches of Women's Clubs in the South, with leading club papers. With this number it inaugurates a regular "Department of Women's Clubs," and invites the co-operation and correspondence of club women everywhere, with a view to exchange of ideas on club work.

QUERIES AND ANSWERS.

The Quarterly will have, in every issue for which appropriate material is offered, a special department under the above title. Questions concerning Texas history are invited, and it is hoped that those prepared to do so will contribute answers.

Where was General Houston, and what was he doing, in the interval between the adjournment of the San Felipe convention, April, 1833, and the beginning of hostilities with Mexico, October 1st, 1835?

C. W. RAINES.

THE AFFAIRS OF THE ASSOCIATION.

The name of the first life member, Mr. D. M. O'Connor, of Anaqua, Victoria county, has been placed upon the rolls of the Association. In a modest but enthusiastic letter expressing his interest in the objects of the organization, Mr. O'Connor encloses a check for fifty dollars, and adds a promise to give as much or more annually while alive and able. May he live long and be always as rich as he is generous.

Here is an example worthy of imitation. There are many men in Texas of abundant means who are greatly interested in having the materials for the history of the Republic and the State preserved. If these persons only knew how well it is possible to spend money given for the purpose, they would doubtless contribute enough to enable the Association to build up a valuable library at once.

The history of Texas can not be written until the materials are collected, but the work of collection necessarily involves great expense. A large proportion of the documentary sources of Texas history is to be found only in the archives of various cities in Mexico. Copies might be procured, but not without the expenditure of some money. The Department of Insurance, Statistics,

and History has been charged with this duty; but its appropriations have been too small to attempt such work, and hitherto it has done nothing along that line. The Association could secure competent persons to do the copying at relatively small cost. All that is needed in order to begin is the funds.

The people of Texas have been too careless also about the historic materials that lie scattered through the State in private possession. The opportunity to gather and preserve them is being lessened continually by their destruction or loss through accident or neglect. But it costs something to gather them, even when the owners are willing to give them to the Association. Simply to locate them and ascertain their nature is often a matter of extensive correspondence and great trouble. This is most cheerfully undertaken by the Association, but in order to succeed it must have patriotic co-operation throughout the State.

Attention is therefore called to the circulars of inquiry which have been sent out by the Association. These have already elicited some information concerning old letters, papers, etc., which are owned by private parties, and it is hoped that still other replies will come in. The members especially, when they know anything concerning the existence or whereabouts of such matter, should communicate the fact at once to the Librarian.

Exhortation for the purpose of awakening interest in the work of the Association ought to be unnecessary. History like that of Texas is rare. In its color, its dramatic movement, and its instructiveness when viewed from the standpoint of political and social science, it has few parallels. These characteristics make it well worth preservation and study. To the genuine Texan, however, or the man that feel thoroughly identified with the State, one of the strongest motives to the cultivation of the subject will be found in his patriotism. Is it seeming, is it not discreditable to the people of Texas, that they should leave the collection of material for the history of the State to the great endowed North-

ern libraries, so that her own citizens, when they wish to learn of her past, must go to Boston, or New York, or Madison? Shall outsiders be permitted to lead in perpetuating the memory of the patient endurance and heroic deeds of those who builded the Republic? It is to be hoped that the neglect so long shown the graves of Houston and of Rusk will not be reflected in popular forgetfulness or disregard of their public services. Let Texas arouse herself for very shame, and begin at once the discharge of her filial duty.

THE BERNARD DIARY.

Judge C. W. Raines has presented to the Association a scrap-book containing a copy of the diary of Dr. J. H. Bernard, which was printed in installments by *The News*, presumably the *Galveston News*. The diary covers a period from December, 1835, to March 27, 1836, and is one of the sources of our information concerning the Goliad massacre. Bernard was saved by a Mexican officer.

THE SINKS SCRAP-BOOK.

This scrap-book contains a few original letters, which are mostly of recent date; but it has exact copies of several very interesting documents in the John H. Moore papers. Among these are:

A letter from Andrew Ponton, alcalde of Gonzales, to the Committee of safety of Mina (Bastrop), dated September 25, 1835, and stating the fact of his refusal to deliver the cannon to the Mexican authorities on their demand.

An undated letter from D. C. Bassett, chairman Committee of Safety of Gonzales, to Col. John H. Moore, commander of the troops at Gonzales, communicating information of Indian outrages, and resolutions of the Committee to send coffee to the soldiers there, and to summon volunteers to their aid.

A letter from George W. Davis, secretary Committee of Safety of Gonzales, dated Gonzales, September 25, 1835, to Committee of Safety of Mina (Bastrop) and to Col. John H. Moore, asking for help in view of the refusal of the alcalde to surrender the cannon demanded by the Mexican authorities and the consequent danger from the Mexicans.

A letter from Stephen F. Austin to Committee of Safety of Gonzales, dated San Felipe, October 2, 1835, stating that volunteers are gathering to

the help of the people of Gonzales. He says: "I think that Bexar must be cleared of the enemy before the present campaign closes. I expect five hundred men from the *Nacogdoches country*."

An order of Thos. J. Rusk, Aide-de-Camp, dated Headquarters above San Antonio, November 5, 1835, and addressed to James Bowie, Adjutant General, commanding a general review and inspection of the troops the next morning at sunrise.

A communication from President Lamar to Col. John H. Moore, dated August 31, 1839, authorizing the latter to raise troops for a campaign against the Indians.

The commission (undated) of Col. John H. Moore as commander of volunteers for a campaign against the Indians.

The commission of Col. Moore to effect an exchange of prisoners at the Waco Indian village, dated January 16, 1843.

The act of the Texas Congress providing for the collection and conveying of Indian prisoners to the Waco village, dated January 9, 1843.

A letter from Col. John H. Moore to General Castro, dated September 12, 1840, asking the latter to bring twenty or thirty of his Indians and join the former in an expedition against the Comanches.

Mrs. Sinks' own account of the recovery of the remains of the decimated Mier prisoners, and the Dawson men, and their burial at La Grange in 1848.

A letter from Edward Manton to Mrs. Sinks containing an account of the Dawson fight, in which he took part.

Some interesting recollections of early days in Texas, told by old settlers.

Several of the narratives are illustrated with drawings by Mrs. Sinks.

THE WILSON SCRAP-BOOK.

The more interesting and valuable contents of the Wilson Scrap-Book are as follows:

The commission of Wm. F. Wilson as quartermaster of the second regiment, second brigade Texas Militia, dated Washington, Texas, June 20th, 1843, and signed by Sam Houston.

Mrs. Wilson's certificate of membership in the Texas Veteran Association, signed by Moses Austin Bryan.

A collection of badges, five in number, worn at reunions of the veterans between 1879 and 1889.

The commission of W. F. Wilson as sheriff of Galveston county, dated Houston, July 10, 1838, and signed by Sam Houston.

A call by W. F. Wilson for volunteers to form a company of rangers which he was organizing to enter the Confederate service, and a list, dated Winchester, Va., July 5, 1861, of those agreeing to join.

The commission of W. F. Wilson as captain in the Virginia volunteers, dated May 8, 1861, and signed by Gov. John Letcher.

A Confederate States 6 per cent bond for \$100.

The passport of W. F. Wilson from Castle Perote, in Mexico, to Vera Cruz, dated August 25, 1844.

Three letters written by W. F. Wilson, one dated Headquarters Texas Army, May 16, 1837; another, Castle Perote, April 22, 1844; and the third, New Orleans, October 10, 1844.

A letter from Col. John C. ("Jack") Hays, dated Oakland, May 21, 1877.

A letter from Jefferson Davis, dated Mississippi City P. O., August 10, 1877.

The muster roll of the Galveston Volunteers, William F. Wilson, Captain, dated September 8, 1839.

A letter from G. Clinton Frailey, Commissary Subsistence, Texas Army, dated Texana, July 8, 1837.

The commission of William F. Wilson as Indian agent at the Omaha Agency, dated June 5, 1858, and signed by President Buchanan.

A pamphlet of twelve pages containing the reminiscences of Mrs. Wilson.

A considerable number of clippings from old newspapers relative to various subjects.

THE JONES COLLECTION.

The relics in this collection were enumerated in the last issue of the Quarterly. The collection, however, contains a real treasure in a miscellaneous lot of old newspapers printed between 1846 and 1857. As will be seen from the list given below, there is no series among them, and not more than two consecutive issues of the same paper; but the various numbers were selected with reference to their historical importance, and each contains something of great value, as a letter from Houston, or Rusk, or Jones, or other matter of the kind. This number of the Quarterly contains a letter from Houston on the subject of Annexation, which is reprinted from one of the papers.

This gift was obtained through the kind offices of Mrs. Dora Fowler Arthur, Secretary William B. Travis Chapter, Daughters of the Republic.

The list is as follows:

The New York Weekly Globe of March 15, 1851.

The Galveston Weekly News of September 15, 1857.

Five numbers of The Texas Ranger (Old Washington), dated respect-

ively January 16, 1849; March 9, 1849; October 8, 1851; August 23, 1856; August 29, 1857.

Six numbers of *The Civilian and Galveston Gazette*, with the respective dates: August 14, 1847; November 6, 1847; December 18, 1847; August 17, 1848; December 7, 1848; May 31, 1849.

The Southwestern American (Austin) of February 4, 1850.

The Weekly Dollar Democrat (published at Louisville, Ky.) of September 22, 1855.

Two numbers of *The Western Texian* (San Antonio), with the respective dates December 29, 1848, and January 12, 1849.

The Lavaca Journal of January 14, 1848.

The Henderson Democrat, June 27, 1857.

Three numbers of *The Weekly Union* (Washington, D. C.), dated respectively July 14, 1849; December 17, 1849; March 15, 1851.

Two sheets of different numbers of the same, the one issued about June, 1847, and the other about November, 1849.

Two numbers of *The Tri-Weekly Union*, the one dated March 17, 1846, and the other December 29, 1846.

The Texas Republican (Marshall) of June 29, 1849.

Two numbers of *The Texas Banner* (Huntsville), one dated October 21, 1847, the other May 26, 1849.

Four numbers of *The Texas Democrat* (Austin), all belonging to the year 1846, and dated respectively January 21, January 28, March 11, and December 16.

Two numbers of *The Weekly National Intelligencer* (Washington, D. C.), one of May 18, 1844, the other of May 5, 1849.

The daily issue of the same for December 25, 1846.

Two numbers of *The Mississippian* (Jackson), one of October 6, 1848, and the other of March 9, 1849.

The Semi-Weekly Star (Washington, Texas) of July 11, 1850.

The Lone Star and Southern Watch Tower (Washington, Texas) of April 5, 1851.

AMENDMENT TO THE CONSTITUTION.

The amendment to the constitution of the Association proposed by the Executive Council at the June meeting has received the affirmative votes of more than two-thirds of the membership, and has therefore become effective. This amendment makes the Professor of History in the University of Texas *ex officio* Librarian and Recording Secretary, and changes the title of the Secretary and Treasurer as originally fixed to Corresponding Secretary and Treasurer.

A LIST OF THE MEMBERS OF THE ASSOCIATION.

I. Honorary Life Members.

The Constitution of the Association provides that "Persons who rendered eminent service to Texas previous to Annexation may become Honorary Life Members upon being recommended by the Executive Council and elected by the Association." At the meeting on June 17, 1897, all persons who participated in the battle of San Jacinto, or in previous campaigns during the Texas Revolution, were made Honorary Life Members. A few additional names were also put on the list by special vote. The list given below is incomplete. Corrections, additions, etc., should be sent to the Corresponding Secretary. Honorary Life Members receive all publications free; they pay no dues.

Ex-Gov. P. H. Bell	_____	S. C.
Jackson Berry, Esq.	Callahan County.	
S. R. Bostic, Esq.	San Saba.	
Mrs. Andrew Briscoe	Houston.	
Hon. Guy M. Bryan	Quintana.	
Joel Bryan, Esq.	Velasco.	
Col. John S. Ford	San Antonio.	
Joseph Highland, Esq.	Leander.	
J. M. Hill, Esq.	Austin.	
Mrs. Anson Jones	Houston.	
John Karner, Esq.	Limestone County.	
Alfred Kelso, Esq.	Gallinas.	
Nat Mitchell, Esq.	San Antonio.	
George Petty, Esq.	Brenham.	
Robert Price, Esq.	Johnson City.	
Hon. John H. Reagan	Palestine.	
Ex-Gov. O. M. Roberts	Austin.	
Mrs. Julia Lee Sinks	Giddings.	
J. F. Sparks, Esq.	Rockport.	
J. L. Standifer, Esq.	Elgin.	
Alfred Steele, Esq.	Limestone County.	
William P. Tindale, Esq.	Eastland.	
John Tom, Esq.	Leakey.	

J. W. Winters, Esq.	Big Foot.
Capt. W. P. Zuber	Iola.

II. Fellows.

The Constitution of the Association provides that "Members who show, by published work, special aptitude for historical investigation may become Fellows. * * * The number of Fellows shall never exceed fifty." The dues are five dollars per year:

Mrs. John Henry Brown	Dallas.
Hon. Guy M. Bryan	Quintana.
Lester G. Bugbee, Esq.	Austin.
William Corner, Esq.	San Antonio.
Prof. H. F. Estill	Huntsville.
Col. John S. Ford	San Antonio.
Judge Z. T. Fulmore	Austin.
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Prof. George P. Garrison	Austin.
A. C. Gray, Esq.	Houston.
Mrs. Fannie Chambers Gooch Iglehart	Austin.
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Mrs. Anna J. H. Pennybacker	Palestine.
Judge C. W. Raines	Austin.
Hon. John H. Reagan	Palestine.
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Mrs. Julia Lee Sinks	Giddings.
Mrs. A. V. Winkler	Corsicana.
Hon. Dudley G. Wooten	Dallas.

III. Life Member.

D. M. O'Connor, Esq.	Anaqua.
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H. G. Askew, Esq.	Austin.
William H. Atwell, Esq.	Dallas.

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Dr. John V. Spring	San Antonio.
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M. T. Tippen, Esq.	Flatonia.
Prof. John C. Townes	Austin.
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Frank H. Welch, Esq.	Taylor.
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Miss Elizabeth H. West	Bryan.
F. T. West, Esq.	Battle.
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Miss Hattie V. Whitten	Tyler.
A. H. Wilkins, Esq.	Dallas.
A. E. Wilkinson, Esq.	Austin.
L. S. Williams, Esq.	Giddings.
J. Mason Williams, Esq.	San Antonio.
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Dr. Thomas D. Wooten	Austin.
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Hon. R. M. Wynne	Fort Worth.
Gen. William H. Young	San Antonio.
Miss Adina de Zavala	San Antonio.
Miss Mary de Zavala	San Antonio.

THE QUARTERLY

OF THE

TEXAS STATE HISTORICAL ASSOCIATION

Vol. I.

JANUARY, 1898.

No. 3.

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PREHISTORIC RACES IN TEXAS.

O. M. ROBERTS.

That prehistoric men existed in Texas is made manifest by the flint arrow-heads that may be found in most parts, if not all over the country, wherever the surface rocks are exposed, amongst which they are usually discovered. In some places there have also been found stone knives, scrapers, hatchets, and hammers, especially in Western and Northwestern Texas.

These instruments, even the arrow-heads, required skill in their uniform construction, which makes it probable that the making of them was a vocation of those who were proficient in it, and that they were an object of commerce amongst those primitive people. This is rendered more probable from the fact that the very fine flint rock from which they are made is not found, so far as is generally known, in this country nearer than the flint hills and mountains of Arkansas and Alabama. In all the prairies west and north of the Trinity river, and in the mountains and high plains of the west, there are not, so far as known, any mounds of earth or rocks constructed by prehistoric men, and therefore it is to be presumed that those who inhabited or roamed over those

parts of Texas were a nomadic race, not usually confined to any particular locality.

The prehistoric mound builders, probably a different race of people, were evidently located in their habitation, as shewn by the many earth mounds constructed by them, that are to be found in Texas and Louisiana.

During the years from 1842 to 1845, when I attended the district courts at Nacogdoches, in Eastern Texas, there was discovered an earth mound of oblong form fifty feet long and ten feet high, with a large sugar maple tree (then dead) that had grown near the middle of it, and in connection with the mound were four other less mounds, fifty yards apart, located in the line of a large circle, so that each of the small ones could be plainly seen while standing at the large one, indicating that they were constructed for some social purpose, either for habitations or for burial places, or for both, as has been the custom of the primitive races.

Another much larger mound, at least thirty feet high, stood in the edge of Mr. Bradshaw's field, about eighty yards south of the traveled road (then called Old San Antonio road) running from Nacogdoches to Crockett, three miles east of the Neches river, in what is now Cherokee county. Though I often saw the mound when passing along the road, I never stopped and examined it, as I did those at Nacogdoches.

Ten miles north of Palestine there was a set of lower mounds, situated in what was called Mound Prairie, south of which ran a small creek.

The town of Mount Pleasant, in Titus county, Texas, derived its name doubtless from one of those earth mounds in or near its original location.

The large population of mound builders were located in Louisiana, within and near the broad bottom about forty miles wide, formed by the overflows of the Arkansas, Red, and Mississippi rivers. A set of very large mounds, one of them forty feet high, was found near Bayou Tensas above Delhi. They were in a row, like those at Nacogdoches. There was a large one at Monticello, upon which a house was situated, and another one with a house on it in the village of Grand Cane on Bayou Rouge, and others lower down the bottom. None of them, however, could compare in size with the De Soto mound, situated two or three miles to the west

of the Mississippi river, thirty miles above Vicksburg. It covered at least two acres of ground at the base, was sixty feet high, and had an area of a square acre on the top, on which had been constructed a fortification that was garrisoned with negro soldiers, commanded by white Federal officers in time of war. That mound was made memorable as the place of a battle on the 28th of May, 1863, in which the Confederates captured a large number of negro soldiers.

However much these mound builders may have wandered to the east or west for temporary pursuits, their permanent habitation must have been in the region where we find their mounds. That must have been their central location for association and primitive government, of which the erection of so many and so large mounds furnishes ample evidence. Whatever was the use made of them, whether as habitations, burial places, or places for worship, or as refuges from attacks of savage animals at night, they were erected under some strong incentive and conviction for their necessity; for they required great labor, regulated by some system in the control of those who constructed them. For instance, the De Soto mound contained many thousands of cubic feet of earth, and the digging and carrying the earth, and piling it up to the height of sixty feet, required an immense amount of labor, directed by some common design.

These mounds were not built as a protection against overflows of the rivers entirely, though they might have served for that purpose occasionally in the Mississippi bottom, for many of them were erected where there were no such overflows. All of them were found near some stream of water, which may indicate their use for fishing, but certainly for domestic purposes. The location of those mounds, at distances apart of easy travel from one to the other, indicated the association of a race of people in some sort of organized combination. It is probable also that this race of people, inhabiting the territory of Texas and Louisiana, were only a part of a very numerous race that extended in association all along up the Mississippi river and to what is now the State of Ohio, where numerous mounds have been discovered since its settlement by the Anglo-American population.

The most important subjects of inquiry about the mound builders are as to how they subsisted, and why they became extinct as a

people. It can be well imagined that in their time there was a rank forage of grasses spread over the prairies and forests, and of reeds and canes in the branches, creeks, and rivers, that attracted and sustained large numbers of herbivorous animals, such as bison, elks, deer, and other less animals, and that carnivorous animals, such as bears, panthers, wolves, cats, foxes, and others, preyed upon those grazing animals. There must have been a continual war for supremacy by those people upon those ravenous beasts. In addition to animals fit for eating the numerous fruit-bearing trees, and the birds and fowls that resorted to them, and the fishes in the creeks and rivers, furnished an abundant supply of food, and the skins of animals served for clothing when necessary.

They may also have had occasionally to contend with other races of people for the protection of their homes and hunting grounds. Daniel Boone, we are told, tried the experiment of such a life for about two years in the wilds of Kentucky, and got tired of it. It made him notorious—perhaps from the singularity of it. “Boone’s Lick” is left behind to commemorate his primitive exploit of savagery. This is referred to in order to show that men who know a better way will not endure such life long, except on compulsion. The compulsion of the prehistoric men was their want of knowledge of, and consequently their want of desire for, any better way.

They were somewhat like the Indian chief of one of the wild tribes, who had lived all his life on buffalo meat and pecans, and who was carried by an Indian agent to Washington, and was there asked by some person what he thought of the great houses, steamboats, and railroads, and other fine things that he had seen. His answer, in effect, was that he was not surprised that white man could make all these things, but he was surprised that the white man could first think that he wanted them.

The Indian spoke from his own standpoint, and was mistaken in thinking the white man first thought he wanted those things. For that want was the final product of growing wants during numerous past centuries, from a primitive start upwards from the condition of prehistoric races of men.

Much of what can be said about these prehistoric races is necessarily speculative surmises or presumptions from facts, not leading to conclusions of absolute certainty. But there is one circumstance pertaining to them from which may be deduced a most im-

portant moral, social, and political lesson, instructive to the people of this or any other age, and this is their extinction as a race of people, and the reason of it. It is not known, nor is it even probable, that the American Indians were descendants of the mound builders; and if they were, they had advanced but little from the condition, as we suppose it to have been, of the prehistoric races. Their habitual indisposition to labor, and the absence of any works or fabrics requiring it, when America was discovered by white men, rebuts any such presumption of fact.

The reason why those prehistoric races became extinct, if they were not destroyed by succeeding and more powerful races, is that they did not till the soil as one of or the principal means of subsistence. There is no evidence left where they existed of their having thought of or adopted that better way of perpetuating their race. The cultivation of the soil for such a purpose, as from our information of its earliest adoption upon the Nile in Egypt and upon the Euphrates in Asia, draws men closer together, makes more intimate their association, causes the construction of houses and other improvements, and leads necessarily to the claim of rights of person and property, and the establishment of government to protect them; all which puts men in the attitude of combined organization for individual well-being and the common protection of the body politic thus formed. This has been the starting movement upwards in all of the great nations of people that have existed and that still exist. In most if not all of them there has been a period of their growth when rural homes, with their occupations and surroundings were the most cherished and the most honored abodes of men. Then prosperity filled the horn of plenty to overflowing, then patriotism knew no bounds in the love of home and country, and then independent manhood rated honor with life. The nation then, large or small, was intrinsically powerful and happy, and so continued until ambition ran riot after the glittering bauble of national greatness with its costly magnificence, and after national power or superiority over other nations; and then, just as it grew in reputed grandeur in its superstructure, the great mass of people, upon whose shoulders it was reared, sank under the exactions necessary to build up and sustain it; and that is the malady with which all of the great nations of the past have sickened and died, that are no more. Any country whose govern-

ment allows agriculture with its concomitant interests to be repressed and degraded, to promote the objects of the greed and selfishness or the love of power, is hazarding the prosperity, patriotism, and independent manhood of the mass of the people governed by it.

Nor is this merely pessimistic imaginings, but simply the calm interpretation of human destiny, when the Cincinnatus-like homely virtues of practical life are lost in the aspiring evolution to attain to higher civilization and national fame, as it has been illustrated in the history of the past, ever since mankind struggled up from the condition of the prehistoric races.

THOUGHTS ON ECONOMIC HISTORY.

BY MAJOR C. E. DUTTON.

It needs but the most superficial knowledge of history to realize that the material or economic condition of the civilized nations has through many centuries been improving, and at no period so rapidly as during the Nineteenth century. During the decline and dismemberment of the Roman empire, and for three centuries after its fall, there was undoubtedly a general economic deterioration, reaching its lowest depths in the Eighth and Ninth centuries. But when the feudal system became established and comparatively settled, the first signs of recuperation began to appear. They were faint indeed, and were confined to a few localities. They might be regarded as the premonitions rather than the reality of improvement; valuable more for what they promised than for what they actually effected. The recuperation was at first exceedingly slow, and it requires close scrutiny and comparison to see that the condition of men and of society was better in the Tenth century than in the Ninth, and better in the Eleventh than in the Tenth. But after the Eleventh the signs of real improvement were plain enough. From that time onward not only was the progress continuous, but it is certain that in each century it was more rapid than in the one which preceded it, until we come to the Nineteenth, in which the advancement has been so rapid that we seem to be separated by a great gulf from all anterior time, and to be living in a new world.

We are accustomed to attribute this progress to the continuous improvement in the arts, whereby man's power to command the resources of nature and to convert the forces and materials of the earth to his uses is greatly multiplied. That this is the proximate means is obvious. But back of it is the slowly acquired and cumulative knowledge of nature and her laws which renders such arts possible to us. Still further behind is the slow growth of mental habits, logical processes, methods of thinking and reasoning, which are necessary to the acquisition of such knowledge, and which we term scientific philosophy. So that, after all, this wonderful mate-

rial progress is but a phase of the growth of human philosophy, of ideas, of mental culture. So, too, is the political and moral progress of the world. In truth, all phases of our civilization, whether social or individual, whether moral or material, whether economic or political, are interwoven so closely and are so interdependent that we can not separate them except ideally. Every phase of it implies the others. Yet they all reflect certain central ideas, and these ideas are the moving forces of the whole.

In turning our attention to the subject of economic history, it is obvious that in an hour's discourse only a few thoughts can be offered, and these must be of a general rather than of a specific character; and it has seemed to me that the most suggestive thoughts would relate to the growth of economic ideas rather than to economic incidents, though incidents must be referred to for purposes of illustration. I know of no study more interesting than the research into the condition of peoples of past ages, to learn how they lived, what was the scope and interest of their daily life, what kind of food did they eat, what sort of clothing did they wear, how were they housed, and what was the degree of bodily comfort or discomfort which they enjoyed or suffered. Above all, it is interesting to inquire what were their thoughts and opinions on each or any class of subjects. These questions engage the attention and labor of present historical writers far more than the older ones. In fact, it is only in comparatively recent years that historians have given such questions much thought. Such information as we possess has not been handed down to us in any one book written by a contemporary writer, giving a systematic, fairly complete and detailed account of such matters in a single volume. It is gathered in numberless fragments from numberless sources, and pieced together by comparison. Much of it is inferential, though the inferences seem to be well sustained. Not merely histories, but poetry, dramas, treatises on all subjects, laws, church canons, inscriptions, books of controversy, and finally old letters abound in materials of this fragmentary sort, which, when collated and carefully compared, throw much light upon the condition and customs of past generations. This information, however, is much fuller and more circumstantial with respect to the condition of the higher classes than of the lower, as might be expected, for their doings and their relations to the world around them were more conspicuous, and they alone as individuals performed the leading parts in the

dramas of history. Yet I fancy the condition of the lowest and poorest classes has been much the same in all ages of the past, and there is little to tell that we do not already know. But the point on which positive information is most needed is a somewhat precise and definite knowledge of what proportion of the peoples in the various ages were absolutely destitute and dependent upon charity or rapine in order to keep soul and body together; what proportion were self-supporting, what proportion were well-to-do or rich. Though absolute figures are scanty, we still know that the farther we recede into the past the greater was the proportion of destitution and misery, and the smaller the proportion of those who enjoyed a comfortable living. We also know that in all classes the scale of living becomes lower the farther back we go, until we reach the dark ages, when even feudal lords and princes lived in a manner that we should consider insufferable, when a middle class hardly existed, and when the vast mass of the peoples lived in a way compared with which the living of the Mexican palado is sumptuous.

Yet there are those who are ever contending that the tendencies of the present day are to make the rich richer and the poor poorer. History gives us a very different state of facts. It teaches us that in the progress of the last ten centuries, and especially in the present one now expiring, the material condition of the civilized world has enormously improved; that the rich indeed have grown richer, but that the poor have become better off in still greater proportion; that absolute poverty and dependence upon charity has become incomparably less, and is in general still decreasing; that the great masses of the communities have become self-supporting, and that the scales of living among all classes have been immensely raised, and in the largest proportion among the poor.

We are accustomed, as I have said, to attribute this growth of material wealth to the development of the useful arts, and this in turn is a result of increased scientific knowledge, which is in a general sense an evolution of mind and ideas. It is to these ideas, and their long, slow evolution through thousands of years, that I would ask your attention, although time will allow us only a hasty glance at them.

Looking back to antiquity, the great economic fact which looms up before us in ancient Rome was its gigantic system of slavery. It inherited it from time immemorial, from periods far older than the earliest twilight of history. It had never been nor heard of other-

wise. Nor was it peculiar to Rome. It was universal among the Greeks and Persians, the Phoenicians and Egyptians, the Germans and Gauls, the Carthaginians and Iberians. The idea of it was ingrained among all races of antiquity. They could not even conceive of the absence of it, and they never questioned either the right or the expediency of it. Generous and kindly men, indeed, often pitied the hard lot of the slave, but it no more suggested to them the idea of a general emancipation than an overworked horse or mule suggests to us the idea of turning all of them loose and giving them the suffrage and postoffices. Plato, in the Republic, where he sets forth his conceptions of a perfect society in the form of extreme communism of property, relegates the manual labor to slaves. Aristotle, whose philosophy was as materialistic as Plato's was idealistic, while repudiating any such socialism as Plato conceived, held the same general opinion on the subject of slavery. To him it was in the due course of nature, and inevitable. Along with these ingrained ideas was another, which pervaded the ancient minds and bears an intimate relation to it. Manual labor they looked upon as degrading, unbecoming a freeman, and the proper occupation of slaves and menials. And as a matter of fact, a large part of the artisan labor was by slaves. The great patricians of Rome owned thousands of them, and among them were blacksmiths and carpenters, masons and bricklayers, potters, saddlers, shoemakers, tailors, weavers, dyers, and millers. Their products, too, were sold in open market in competition with those of free artisans. The result was that the condition of the free laborer was most miserable. Except that he had his liberty, his condition was worse than that of the domestic or house servants, whom the master was constrained by custom to dress and feed well, out of regard for his own dignity. In general, the poverty of the free laborer, and the hardship of his struggle for existence, was such that he often preferred to become a proletarius, even when not driven to it. Thus, there was no great middle class of industrious, energetic men, supporting themselves in comfort and leading lives of honorable industry, and recognized as the bone and sinew of the land and the main support of the state. We can not wonder, then, that in the times of the republic Rome was an almost constant scene of turbulence and riot; that under the empire it took an army of Pretorians to preserve even a faint outward semblance of order; that its streets swarmed with vagabonds, loafers, sharpers, and

plugulies; that its long streets of six-story tenement houses were densely packed with vice and vermin, filth and wretchedness, and exhibited phases of life as horrible as a Chinese opium-joint.

In the middle ages, the state of labor presents different aspects. In place of the slave, we find the serf or villein. The serf had some rights, the slave had none. The serf could marry and have legitimate children, the slave could not. The serf could have personal property, the slave could not. On the other hand, the exactions of his lord were at first severe, and though they seldom took all, they often took the greater part of what he had or might produce. In process of time, the rights of the serf grew larger, and the rights of his lord over him grew less, and in passage of centuries serfdom slowly died out. It would be interesting, if time permitted, to go over the incidents of this transformation, and study the changes of ideas which led to it. But it appears so clearly, and the facts are so well described in Hallam's *History of the Middle Ages*, that a reference to that work must suffice. Yet there was one agency to which brief reference may be made. It was the rise of the free cities of France and Germany, whose importance has been made so clear and conspicuous by Guizot. It was in the early free cities that manual labor became honorable, and at the same time secured some degree of protection from robbery and immunity from the competition of the slave. The laborer now could support himself, and hold up his head as a man entitled to respect. He could cultivate thrift and accumulate something, and life could offer him something to strive for. Here is the real beginning of modern civilization as distinct from the ancient.

Let us now glance at another economic order of facts in the Roman commonwealth, the tenure of lands. Here the conspicuous feature is the great number of large landed estates owned by rich patricians and operated principally by slave labor. They were scattered all over the empire, though more numerous in some provinces than in others. Not all the agricultural land was in the latifundia, as these great estates were called, nor probably was even the greater portion of it, for there were great numbers of small farms and homesteads as well. But the general tendency usually was for land to drift into the great estates, especially during the first two centuries of the empire. There had never been a time when the latifundia did not exist. They often broke up, but new ones took their places. The ownership of land was as absolute

with the Romans as it is with us in fee simple, and the original theory of the Roman law was that every citizen should be a land owner, though the theory stood in strong contrast with the facts. It was, however, the spirit of the law to encourage in every possible way the acquisition of small farms by the lower classes of citizens, and under the republic many vigorous attempts were made to do so. The agrarian laws were for that special purpose, and though they produced for a time some relief, they were fruitless in the end. In a few years the great estates had swallowed the little ones, and the laws were disregarded, and became obsolete.

It may be permitted to diverge here a moment to say that the modern conventional meaning of the word agrarian is very different from its meaning among the Romans. It is usually supposed to imply legislation or agitation adverse to private property in land. Not so among the Romans; for, however lax their observance of law might be in other respects, no laws were enforced with more rigor, certainly, and justice than those which guaranteed property rights in land. But agrarian lands were not private property at all, but public property, and their titles vested distinctly in the state. If the state granted them away, they ceased to be agrarian, and it often did so to newly created citizens and to discharged veterans of the army. Whenever new territory was conquered, large tracts—never less than a tenth, and often much more—were taken by the state and appropriated as public land, and as the spoil of war. It thus came under the agrarian laws. It then granted permits to settle upon these lands, but still retained the title, so that the occupants were virtually tenants at will, and were required to pay a tithe of their produce to the state as the price of tenancy. No person could be granted more than 500 jugera (330 acres). The right of the state to resume these lands and dismiss its tenants at any time was unquestioned by the Roman jurists. But long tenancy naturally begets in the mind of the occupant a feeling equivalent to that of ownership, and that he has a natural right to it. The latifundia had encroached upon the agrarian lands and occupied thousands of acres of them; the people clamored for their resumption, and sometimes secured it. The celebrated Licinian and Sempronian laws embodied resumptions of this character and a redistribution, but they never touched the private property owned and held under a clear title, whether in large estates or in small ones. This view of ancient agrarian legislation was ferreted out in the

early part of the present century by the great German jurist Heyne and the Danish historian Niebuhr.

The state of the latifundia was often a source of the gravest anxiety of intelligent, patriotic Romans of all classes. Juvenal thunders against them in his satires, Seneca and Quintilian sound frequent notes of warning, and the saying, "*Latifundia perdiderunt Romam*" (the great estates have been the ruin of Rome), was often repeated. But remedy was impossible. No earthly power could break them up without destroying all that was left of Roman power and greatness, and breaking society not merely into fragments, but even into dust and molecules. For at that time there was nothing which could be put in the place of them. They existed by forces incomparably more potent than imperial power or decrees of the senate.

Let us for a moment turn our thoughts, for purposes of comparison, to some facts connected with land property in the present century. Whoever has visited southern France, and especially southern and middle Germany, must have been much impressed, and perhaps amazed, by the minute way in which the farm lands are divided up. As many of you have probably seen them, I will not take time to describe them. So far in many of the German states has this subdivision been carried at times, and so burdensome had it become, that the state has repeatedly been led by common consent to intervene, wipe out all the existing subdivisions, and reapportion the land as equitably as possible among the proprietors, in subdivisions of greater convenience. Laws have been passed which fixed the minimum amount of cultivated land which could be sold, in order to check the tendency to break up into absurdly small pieces. Some of these rearrangements date as far back as 1617 in Bavaria, and in the same kingdom there have been no less than five redivisions in the present century. In Prussia, Hanover, Wurtemberg, Nassau, and Baden there are, or formerly were, permanent statutory provisions for this process of "*koppelwerthschaft*," by which it could be carried out in a regular, legal way, and under due forms of law.

Here we see an exactly opposite tendency to that which prevailed in Rome. What should cause such an extreme difference? Is there any principle, or group of principles, under which both can be brought? The answer in full is a complex one, and I can not enter into it at length here. It must suffice to say that it is

primarily a question of the profit of farming on a large and small scale respectively. In a country where labor is free, the profit is in a large majority of cases in favor of the small farm, but when the labor is by slaves the reverse is usually the case. There is, however, another condition which is to be considered. In despotic and aristocratic countries, where there is a class raised to high rank and enjoying great privileges and dignities, great landed estates have always been deemed necessary to maintain their social rank and perpetuate it in the family through succeeding generations, and this idea may even overrule the dispersive tendency of greater profit. In conformity with this idea is the system of primogeniture and entail. In Rome, greater profit and the aggrandizement of the patrician class both conspired to form larger estates. In Germany, the greater profit was on the side of small farms, and the German bauer is just as anxious to perpetuate his estate as the German noble.

It was not the latifundia that ruined Rome. The cause lay much deeper. They were effects, and not causes; the symptoms, and not the disease. During the decline of the empire, the imperial policy by slow degrees undermined them, and at length broke up the greater part of them. But it only made a very bad matter still worse. Instead of replacing large estates with small ones, whole provinces were depopulated or turned into pastures and forest. The empire became impoverished, so that it could no longer support armies, or even strong civil government. The barbarians broke in, and soon made an end of it.

Historians have been in the habit of attributing the break-up of the Roman empire to moral and political causes, which is certainly true. And yet, if they had carried their analysis as thoroughly and masterfully along the economic line as they have along the moral, political, and social ones, they would, I fancy, have made this mighty subject still clearer.

After the dismemberment of the empire, the tenure of lands was radically changed in western Europe. In most of the ancient Germanic tribes, the social unit was the clan living as a village commune and enjoying the land as common property. When communes became knit into tribes, and tribes into nations, the communal idea underwent a corresponding change. It belonged still to the people and the nation, but the king or chief distributed it in behalf of the nation to the tribes, and the heads of tribes distributed

it to their people. In each case the grant was conditioned with the requirement that military service, or equivalent produce, should be rendered in consideration of the grant. In theory, then, the land was communal still. But history presents us with only two conditions in which the communal tenure of agricultural lands is the normal tenure fitting the actual state of society. The first is found in a low order of barbarism, and the second is in a state of caste, like India; and caste is the final result of despotism run to seed. Civilization, carrying civil liberty with it, is sure to destroy the communal tenure sooner or later. The theory of feudal tenures soon became a mere legal fiction from natural causes, and as civilization slowly advanced the lands became private property, much as they were under the Romans. But though these forms of tenure have become fictions, they have left a profound impression upon modern Europe. The history of the middle ages is in a conspicuous degree the history of a number of landed aristocracies, whose destinies have been different in different countries. Those of Germany gradually became a host of petty princes or kings, whose tendency was towards the formation of numberless small principalities, each independent or highly despotic, thus weakening the bonds of national unity. The tendency, also, was towards hard, impassable lines of class distinction, separating the nobility from the people. This alone would have drifted towards caste. But such a people as the Germans, of all races, could never be dragged in that direction by any nobility, however absolute or despotic. In France, the nobility either voluntarily or by compulsion gathered around the throne of the nation. The strong, masterful policy of Richelieu cemented that union, but unhappily at the expense of the people, and at terrible cost alike to their liberties and their material welfare. Under the absolutism of the monarchy, and the unjust privileges of a landed aristocracy, France showed even a stronger tendency towards caste than Germany. But the French people could no more be dragged that way than the German, and when the tension became insupportable the bonds of society snapped everywhere, and its fabric was shaken to pieces by a social earthquake.

In England, the course of evolution was in strong contrast with that of the continent. There the landed nobility from an early period identified their interests with those of the people, and made common cause with them. They have never, since the days of Magna Charta, contended for any increase of privileges at the ex-

pense of the people, and have by degrees yielded ancient privileges without serious contest, when the advanced state of the people made it for the general good. They have in past centuries borne the principal burden of taxation, and never attempted to lay cruel burdens upon the backs of the people. They have always been found on the side of civil liberty. No hard and fast line separates them from the people, for their ranks are constantly replenished from the commons, and into the commons all but their eldest sons must descend. Thus the English aristocracy has always been sustained and upheld by the English people, and instead of becoming their oppressors have become their natural leaders and the embodiments of their social aspirations and ideas.

We see, then, how these ideas interweave, economic, moral, political and social, all forming that almost infinite complex which we call civilization. It is only by an imaginary process that we can unravel and study its innumerable threads.

Of capital in ancient times we may speak more briefly. As regards fixed capital, it played a far less important part, both absolutely and relatively, than in the present age, as must follow from the fact that the industrial arts were rude and primitive, machine-tools unknown, and the only source of mechanical power being men or beasts. The relative importance of circulating or money capital was much greater, and the ideas of antiquity on this subject are interesting. Among all the nations of western Asia, and Asia Minor, and among the ancient Greeks, usury and interest on loans was regarded as wrong, unjust and highly iniquitous. The aversion to usury, however, was a very qualified one. The practice of it between members of the same gens or clan-family was regarded with almost universal abhorrence, and the usurer was practically outlawed or boycotted by his own people. Between members of different gentes classes or clans, its disapproval was speculative rather than practical. But between different nations, religions, and cults, it was hardly a moral question one way or the other. The idea of a common brotherhood of mankind had no existence until Jesus appeared. Among the Romans, usury was at first regarded in much the same way; but after the conquests had become extensive, Rome became heterogeneous in its population, and usury came to be regarded as a necessary evil by the people, though many of the most enlightened Romans who studied Greek philosophy contracted the Greek ideas upon the subject. Usury was practiced on a large

scale at Rome. The objections to it, and even abhorrence of it, were natural and inevitable. In the first place, interest was seldom less than one and a half per cent a month, and might be anything more than that. In the second place, really good security was out of the question. The machinery for handling loans was crude and cumbrous, and only the rudiments of modern banking or loan and trust existed. The business, therefore, in great part, fell into the hands of the most rapacious, cruel, and merciless class of men, who lay in wait for victims like the spider for the flies. Woe betide the poor wretch who was caught in the usurer's web. His blood was quickly sucked, and it was well if his body were not sold into slavery. Christianity denounced it from the beginning, but at first made it binding only on the clergy by exacting severe penances or excommunicating for it. It was not until the Eighth or Ninth century that the church made it binding upon the consciences of the laity by requiring them to answer for it at the confessional. In the reign of Charlemagne, the prohibition of usury became a substantive part, both of the canon law and of the civil law, which prohibited it under severe penalties, and for several following centuries these prohibitions multiplied.

But borrowing and lending can not be prevented in this world, though it may be restricted and reduced to very narrow limits. Civilization, as we understand it, can not go on without it. As industries in the feudal and middle ages began faintly and slowly to revive, the necessity for it became stronger and stronger, and the canons and laws were not only disregarded, but the disregard was often winked at. At length the princes of Europe began to grant special licenses and exemptions to Jews to loan money at usury, and of course the Jews soon had a monopoly of it. Meantime, ideas on the subject of usury began to undergo a slow change. The controversies and discussions of the subject which have come down to us from the middle ages were almost exclusively by theologians, for they were almost the only scholars and writers. First, it began to be urged that there were a few very exceptional cases in which usury might be just and not sinful. Gradually these cases began to multiply. Then the exceptions began to be more numerous than normal cases. But there was a reluctance on the part of controversialists to give up the idea that the principle involved in usury was unjust, sinful, and deleterious. The general notion was that the restitution of the principal was full compensation for the loan,

and to demand more was plainly to demand more than had been given. And this view was as old at least as Aristotle.

At length, in the Sixteenth century, one government after another made laws expressly authorizing interest on loans, but in most cases fixing a maximum rate, and making any rate in excess of it unlawful, and working a forfeiture of the claim. And finally a series of decisions by the Holy See, in the first half of the present century, require confessors not to trouble penitents on the matter of usury per se pending the further consideration of the subject. The modern view is simple enough. Interest or legitimate usury is the difference between present and future values. One hundred dollars cash in hand and a promissory individual note for the payment of one hundred dollars in future have not the same value. A bird in hand is worth two in the bush. The difference between the two values is interest. To make them equal, and to make the interchange a strictly just one, the borrower is in duty bound to allow a deduction from the money he receives or else make an addition to the amount he promises to pay.

And now let us glance for a moment at the results which have attended this change of ideas on the subject of interest or usury. Ancient usury was often employed to ruin the debtor and gain his property without giving him a full equivalent. No doubt there were many honorable and just men among usurers, but the unjust and rapacious ones were so numerous, and their cruelties so frequent, that they were regarded as types of the whole system. Modern interest, on the other hand, is an essential part of a system for benefitting the borrower and not for destroying him, to build him up and not to break him down. The typical modern usurer is the banker. His interests and those of his customers are one and the same. They are bound up together by the strongest possible tie. If they prosper he prospers, if they languish he languishes. If they are broken he is mulet. He must seek his profit by profiting them. If he would protect himself against loss, he must protect them also.

But we are only at the beginning of this theme. Interest lies at the foundation of modern credit and is one of its corner stones. Of all institutions controlling or animating the economic affairs of men, the most impressive is modern credit. Behind labor, behind capital, it is the most vital and subtle animating force.

Credit, indeed, in some of its aspects, has existed at all times among civilized peoples; but no credit system such as exists today. It is not my intention, however, to enter into this great subject further than to indicate that interest is an essential factor of it, without which a credit system would not exist.

I have selected the subject of usury or interest as an illustration of the change and evolution of ideas which mark the difference between old civilizations and the new. It is only an instance and example. Correlative changes have taken place in many other economic ideas, and each category presents a world of interest and instruction. The ideas which people hold concerning such far-reaching subjects as the tenure of land, of the dignity and moral value as well as the economic value of labor, of the nature and functions of money, of taxation, of commerce, of fiscal policy, all these have had their changes and evolutions. Yet all of them are interdependent, and their changes have moved along slowly through the ages, seeking an adaptation to and a coördination with each other. Interwoven with them, and really an inseparable part of them, are our fundamental political and moral ideas. These, too, have had their changes and progressive development, and have been more frequently studied than the economic ideas, but not more deeply. The whole constitutes the basis of modern civilization.

But as I approach the limit of my time-allowance you see that I have only reached the beginning of modern economic history. I have been following two or three roots of it deep down, geologists' fashion, into the palaeozoic strata of human history. Of that great organism, that giant sequoia of modern economics which towers so high and spreads so wide, I have said almost nothing. How could I in a few brief sentences even outline its many branches or even its general contour? And how could I in such limits describe their unfolding and growth through ten centuries? And yet history has much to tell us about it that is thrilling in its interest, solemn and awful in its instruction. If we were to make research of that progress we should find that it has not been made without manifold bitter experiences; that under the influence of false ideas it has often been checked or even turned back for a time towards barbarism again. We should learn how, under mistaken notions of economic relations of labor, oppressive laws have been passed, working new and rank injustice and entailing untold

misery when the real object was to benefit all; how under mistaken notions of commerce ruinous commercial policies were adopted; how under mistaken ideas of the nature and functions of money, disastrous measures were resorted to which brought increased poverty and misery where they were expected to bring prosperity. And the most singular thing about it is that the same errors were committed over and over again in succeeding generations. As they did not foresee the results, so did they fail to attribute the results to the true causes. The next generation or two forgot the experiences of the preceding one, and like the moth flew again and again into the same candle. But in the course of time experiences began to have some effect. The world was growing both in knowledge and wisdom. Men became more and more numerous who studied these matters deeply, and by degrees worked out the causes and the true relations, and made the real nature of economic laws gradually apparent by sifting the false from the true. Not that a complete system of economic philosophy was suddenly created, but step by step and with increasing pace through the centuries.

At length the time came when the results of human experience acquired by many generations, analyzed by hundreds of the acutest and profoundest thinkers of their times, and subjected to the sharpest controversy and criticism, could be gathered together into a single or collective body of philosophy. Adam Smith's great work, *The Wealth of Nations*, appeared in the year 1776 and marks a great epoch in human thought. A similar attempt had been made by Quenay in France about ten years before; but Quenay's work, though arousing great interest and stimulating thought greatly at the time, proved otherwise barren, and the world has rejected his system. But Adam Smith's work grew in importance with time, and is still growing. And yet there is hardly a chapter or section in that work which the growth and knowledge of philosophy has not more or less modified. Some minor portions of it have been completely and definitely rejected. The value and importance of the work lies in the fact that it constitutes a system. It gathers together all the great factors of the economic machine and shows their mutual dependence, how they act, react upon, and condition each other, and gives us an intelligible view of the actions and functions of the economic organism as a whole.

The work was slow in sinking deeply into the convictions of men. Two generations passed before the leading philosophers had with

general unanimity accepted it as the basis of the science of political economy. Its diffusion after that was much more rapid, and its doctrines soon became a part of an ordinary liberal education. They became at the same time a part of the convictions of the leading men among the ruling classes of England, and were soon made operative in the laws which affected the economic affairs of the nation.

The doctrines of political economy, however, are slow in reaching the minds of the people at large. The reasons are obvious. From the nature of the case the system is a very complex one, requiring long and earnest study to fully comprehend it and absorb its real spirit. It has always been known as the dreary science, and its special votary bears the name of Dr. Dryasdust. To the popular mind it is usually without the sympathetic attractions of the novel and drama and the sensuous or aesthetic attraction of art. Moreover, it is a field of thought adapted to mature minds and well disciplined faculties, and not to youthful ones unless they are precocious. By the time the mind and its experiences have reached sufficient maturity habitual and hereditary ideas have become settled and are hard to modify or displace. But the importance of sound economic ideas is rapidly becoming so great, and the interests which depend upon them are become so momentous, that the public welfare and the public safety demand that no effort be spared to make them a part of the intellectual equipment of the people at large.

ALVAR NUÑEZ CABEZA DE VACA: A PRELIMINARY
REPORT ON HIS WANDERINGS IN TEXAS.¹

MISS BROWNIE PONTON AND BATES H. M'FARLAND.

Outside of the Arabian Nights and the realms of fairy tales and fiction, there is perhaps no stranger story of adventure than that of Cabeza de Vaca's ten years wanderings in Texas and Mexico.

The first that we hear of this interesting Spaniard is in 1527, when he was made chief treasurer of an expedition under Pamphilo de Narvaez, bound for the Gulf shores of the New World. "Notwithstanding," says Buckingham Smith, "the most zealous devotion of scholars, and the ceaseless delvings of antiquaries, the place and period, both of his birth and decease, have evaded their research."

But as he was a man in 1527, his boyhood, youth, and early manhood must have been spent in one of the most wonderful periods of time—the age in which the Old World found the New,—the age in which the warm southern blood of Italy, Spain and France, as well as the cold northern blood of England, was being intoxicated with the love of adventure, with the dream of untold

¹The following works have been used in the preparation of this paper: Relation of Alvar Nuñez Cabeza de Vaca. Translated from the Spanish by Buckingham Smith. New York. 1871.

Naufragios de Alvar Nuñez Cabeza de Vaca. This was published in 1799 in Barcia's *Historiadores Primitivos de las Indias Occidentales*, and reprinted in *Biblioteca de Autores Españoles* (1877), the last of which only have been used.

H. H. Bancroft, *North American States and Texas*, Vol. I.

A. F. Bandelier, *Contributions to the History of the Southwestern Portion of the United States*.

Justin Winsor, *Narrative and Critical History of America*, Vol. II; article, *Ancient Florida*, by John Gilmary Shea.

George Parker Winship, *The Coronado Expedition*.

John M. Coulter, *Botany of Western Texas*.

The letter of Cabeza, Dorantes, and Castillo, which was used by Oviedo in his *Historia General*, has been accessible only in extracts quoted by Smith and Bandelier.

wealth. Every explorer believed that in this new land lay his Mexico, his palace of Montezuma, waiting for him its Cortez.

One of the many expeditions bearing the Spanish flag was that of de Narvaez, with whom as we have said went Cabeza de Vaca as treasurer. The tract which had been granted to Narvaez stretched from the southern part of Florida to the Rio de las Palmas, which has been identified with the Rio Grande. As was usual, the expedition first stopped in Cuba. While waiting here, two vessels were sunk by a terrible storm and sixty men were lost. Terrified by this, Narvaez waited here until the following spring, when, a pilot having been found, he sailed for his grant. When only a few days out, a strong westerly wind arose, and, beaten out of their track, the ships were driven off the coast of Florida. The pilot assured the Spaniards they were near the Rio de las Palmas. Narvaez then, strongly advised to the contrary by Cabeza, divided his men into two parties, one to sail the vessels along the coast, the other to make an inland expedition, of which he himself was to be the leader. These two parties, he said, would unite at some good harbor; and taking with him some three hundred men with whom was Cabeza, he started inland. Let me anticipate here, and say that after a year's fruitless searching, those aboard the vessels returned to the islands, bearing the sad news that Narvaez and his men had perished on the mainland.

What, in truth, was the fate of this luckless expedition? Necessarily unable to carry but a few days' provisions, they soon began to suffer from hunger. True, they found Indian villages, but in them there was little food, and no treasure. Farther on, the Indians said, in the village of Appalache, there are treasures, and all those things that white men desire. Weary and worn, they pushed on. Twice they went to the coast, but could find no harbor; no welcome vessel came in sight. At last they came to the village of Appalache, which proved a bitter disappointment. No treasure was found, and the Indians were treacherous and hostile. However, they stayed here several months, living chiefly on maize. The Indians here told them of another village, Aute, nine or ten days south of there, on the seacoast. Toward this point they directed their course.

They reached Aute in the last stages of despair, after fighting their way through swamps and forests, frequently in water that came above the knees. The Indians were hostile; there was little

to eat. Weak and emaciated from hunger and travel, hampered by the sick and dying, threatened with mutiny, the outlook was dreary, not to say hopeless. To march inland was to march to certain death; on the sea lay their one chance for life.

With rude implements of their own manufacture they made five rough boats, their spurs and the stirrups from their saddles furnishing the nails. Their few remaining horses were killed, the flesh eaten, and the skins from their legs made into bags, which served as the only means of carrying water. Forty-nine men or more were crowded into each boat. The instinct of self-preservation was to be their only guide, for they knew but little, if anything, of the art of navigation. From a strange land they sailed out on strange waters.

Not daring to trust themselves far out at sea, and in the vain hope of finding some Spanish settlement, they kept close to the shore. For thirty days or more they sailed along in this manner. Then the water bags rotted, and many of the men, delirious with thirst, drank the briny water of the sea, and died in agony. While a like death seemed inevitable to all, they came to an Indian village, where was food and water. After a day and night's stay, during which they were attacked by the Indians, they re-embarked and sailed on. In this manner they continued for many days, suffering all that men can suffer from want of food and water.

At length they came to a broad river, at the mouth of which were many little islands—a river which, for several reasons, is supposed to have been the Mississippi. The current being too strong to allow them to land, they were borne out to sea, and, in the darkness, separated from each other. The captain's boat finally reached land, but two others, one of which was Cabeza's, drifted out to sea, for the men were too weak to row. For several days these two boats stayed together, but a storm arose, and they, too, drifted apart.

Cabeza's boat was finally cast ashore on an island, which, for reasons to be given later, we believe to have been Galveston island. The Spaniards named it Malhado, meaning "Ill-luck." The Indians came down to the shore, gave them fish and roots, and treated them kindly. In an endeavor to launch the boat on the following day, it was capsized and borne out to sea. They were now entirely at the mercy of the Indians. These, however, were kindly disposed, and took them to their village. In a few days they were

joined by a party from one of the other boats, which had been wrecked at another part of the island.

They now numbered forty; but to go on in such weather was impossible, as those of the first boat had even lost their clothing. It was, therefore, agreed that they should remain on the island, while four of the men should go on in search of the Spanish settlement, which they supposed to be very near towards the west. Soon after the departure of the four, a plague broke out on the island, and the number of Spaniards was reduced to fifteen. These were separated by the Indians, who had practically enslaved them; some were being taken to the mainland, others left on the island. The weather was very severe and food scarce. In the springtime the Spaniards, except Cabeza and another, who were too sick to travel, escaped from their masters, and started westward down the coast. Nothing had yet been heard of the four who had previously set out.

For six years Cabeza led a slave's life, sometimes on the mainland, sometimes on the island. From October to February they stayed on the island, living on a certain kind of root. At the end of this time they went into other parts, for the root was then beginning to grow, and not fit to eat. "I had," said Cabeza, "to get roots from below the water and in the cane, where they grow in the ground, and from this employment I had my fingers so worn that did a straw but touch them they bled." Later on he fared better, for, getting in the good graces of the Indians, he was allowed to become something of a trader, going far inland on his trading expeditions. In this way he became acquainted with the surrounding country.

At the end of these six years, he and his companion, Lope de Oviedo, escaped from the Indians, and started down the coast. After having crossed four rivers, of which we shall speak more definitely, they came to a bay, most probably Matagorda bay. On the farther side of this bay they met a party of Indians coming to visit the Indians on the island. These told them that beyond were three men like the Spaniards. The Indians also said that if Cabeza wished to see them in the next few days they would be at a walnut grove not far distant. At this point Lope de Oviedo, terrified by the Indians' tales of cruelty, refused to go farther, and returned to his former masters.

Two days later Cabeza joined the other three in the walnut grove. They were three of the party who had left the island six years before. Their companions had been killed by the Indians or had died from hardships. Of the powerful force which, not long before, Narvaez had led into the swamps of Florida, there now remained only this mere handful of wretched creatures, who maintained a precarious livelihood as slaves of the Indians.

We believe we can identify the vicinity in which this meeting occurred. But of this we shall speak more at length in another place; it is sufficient to say here that the Spaniards were most probably in the neighborhood of Matagorda bay, and, perhaps, near the mouth of the Colorado river. They remained quietly here for six months, waiting until the Indians should go to the prickly pear region, at which time, many tribes being gathered together, they thought they could best make their escape. For three months in the year the Indians in that part of the country lived entirely on the fruit of the cactus. So luxuriant and thick is the growth of this plant in southwestern Texas that we can safely say it was to this region that the Indians came yearly.

As the Spaniards had anticipated, they were taken in due season to the prickly pear region, where they planned their escape. On the day settled upon for their departure the Indians quarreled among themselves, and the Spaniards were separated. After a year's weary waiting, at the next prickly pear season they were again brought together, and again separated before they could escape. In despair they appointed a meeting place, and each pledged himself to elude the vigilance of his master, and join the others at the appointed time. This time they were successful, and the four men began their desperate journey to find the Spanish settlements in Mexico.

For the first few days they travelled very rapidly, fearing greatly lest the Indians should overtake them. They soon came to another Indian tribe, where they were kindly treated. From here they went on to another tribe, where they stayed eight months.

At this point, their social position, if such it may be called, was exalted beyond their wildest hopes, and they entered upon a career that probably has no parallel in all history. As far back as Cabeza's slave residence on Malhado island, he had on occasions been called upon to perform cures after the Indian fashion; he had done so

with seeming reluctance, not dreaming of the tremendous power over the tribes which lay within his grasp. However, he and his friends had scarcely begun their journey towards civilization before the Indians forced this unexpected greatness upon them. "That same night of our arrival," says Cabeza, "some Indians came to Castillo and told them they had great pain in the head, begging him to cure them. After he had made over them the sign of the cross, and commended them to God, they instantly said all pain had left, and went to their houses, bringing us prickly pears, with a piece of venison, a thing little known to us. As the report of Castillo's performances spread, many came to us that night sick, that we should heal them, each bringing a piece of venison, until the quantity of it became so great that we knew not where to dispose of it. We gave many thanks to God, for every day went on increasing his compassion and his gifts."²

New hopes were thus kindled, and the Spaniards continued with deliberate purpose the practice which had accidentally opened a new career to them. Their fame spread, and from this time forward their march was the progress of triumphant medicine men, often attended by hundreds, even thousands, says Cabeza. The Indians surrendered all their earthly possessions to these children of the sun, and served them as willing slaves. The sick were brought to them from far and near, and often they were importuned to go out of their way to relieve the afflicted. We must no doubt make some allowances for exaggeration in Cabeza's account, but on the whole he probably gives us a fair idea of what really happened. We find, for instance, when Coronado crossed the route of the wanderers, the Indians again brought their possessions to these other children of the sun, saying that in such fashion they had received the four whom we are following.

Our faith in the efficacy of Cabeza's cures, however, must stop at certain limits; it taxes our credulity too much when he tells of reviving the dead. As regards this, he says: "Coming near their huts, I perceived the sick man we went to heal was dead. Many persons were around him weeping, and his house was prostrate, a sign that one who dwelt in it is no more. When I arrived I

²Relation of Alvar Nuñez Cabeza de Vaca. Translated from the Spanish by Buckingham Smith, p. 117.

found his eyes rolled up and the pulse gone, he having all the appearances of death. I removed a mat with which he was covered and supplicated the Lord fervently as I could that he would be pleased to give health to him and to the rest that might have need of it. After he had been blessed and breathed upon many times, they brought me his bow and gave me a basketful of pounded prickly pear. The next morning the report came that he who had been dead had got up whole and walked, had eaten and spoken to them. . . . This caused great wonder and fear and throughout the land the people talked of nothing else.”³

In a very interesting chapter Cabeza also tells us of some of the queer customs of the tribes through which he passed. In one tribe, when a child died it was mourned for a whole year, the weeping beginning in the morning and lasting until sunset. If a brother or a husband died, none of that family would go in search of food for three months, but would starve to death if not provided for by the rest of the tribe. In war they were keen and vigilant. The warriors dug ditches in front of their huts, and lying down in them, completely covered themselves with brush and twigs. Thus concealed, they could do much damage. They drank a liquid, made by roasting a certain kind of leaf, upon which water was then poured. This had an intoxicating effect, and for three days at a time they would take nothing else. From the time it was ready to be used until it was consumed they cried continually, “Who wishes to drink, who wishes to drink?” When a woman heard this she stopped instantly whatever she was doing. If she moved, it was thought an evil spirit went into the liquid and it was thrown away and the woman was beaten with sticks. The mesquite bean, an important article of food with them, was prepared for eating in a peculiar manner. A hole was dug in the ground and in this the beans were placed and pounded with a club. Dirt and water were poured in on them and all stirred up together. Then the Indians gathered around and ate out of the hole. If it did not taste right, more dirt was stirred in.

Among these tribes Cabeza and his companions wandered for many days, always followed by a great number of Indians. On approaching a new tribe, the Indians came out to meet them, lay-

³Relation of Cabeza de Vaca, Smith's translation, pp. 121, 122.

ing all their possessions at the Spaniards' feet. Cabeza then turned over these goods to his followers and dismissed them. The Indians who had thus given up all they possessed followed the white men to the next tribe, where they were reimbursed for their loss, and so on, indefinitely.

At last they came in sight of mountains. They travelled along the base of these for some little distance, and then struck inland. After traveling many days, they came to a village, on the banks of a very beautiful river. The people here lived on prickly pears and the nut of a certain kind of pine tree, the nut being beaten into balls when it was green, and when dry pounded into flour. "We left here," says Cabeza, "and travelled through so many sorts of people, of such divers language that the memory fails to recall them." Then they crossed a large river, coming from the north.⁴ After crossing this river, their journey lay for some time through a desert, mountainous country, where they suffered much from hunger. Again they crossed a river, flowing from the north, and from this time many of the Indians sickened and died on account of the great privations. That the Spaniards survived is a matter of marvel. But from this time on they found fixed habitations and cultivated fields.

On desiring the Indians to take them on toward the west, they found them very reluctant to do so. However, on the Spaniards showing their displeasure, the savages yielded to their request, and, having sent out women as scouts, they went on.

From this time, they were loaded down with buffalo skins, and Cabeza called the people the Cow-Nation.⁵ They lived largely on beans and calabashes. Whenever these people wished to cook anything, they heated large stones and dropped them into the half of a large calabash, which had been filled with water. When the water had been thus heated, whatever was to be cooked was dropped into it.

As they went on, food became more plentiful, and settled habitations more frequent. In one town they were presented with six

⁴Probably the Pecos.

⁵They seem, however, not to have been in the buffalo region at this point. The Indians were accustomed to leave their villages for the hunt. The Spaniards were probably on the Rio Grande.

hundred hearts of deer, on account of which they called the town Corazones. This town was the entrance into the South Sea provinces, or the provinces on the Gulf of California. While here the Spaniards saw on the neck of one of the Indians the buckle of a sword belt, to which a nail was fastened. It came, the Indians said, from white men, who wore beards, and who had gone to the south. Hope rose in the hearts of the Spaniards. Were they at last near the Spanish settlements, or had these men been but passing explorers? But as they went on, they found Indians fleeing on account of this party. The villages were deserted, the fields untilled. The people were living on the roots and barks of trees, and to a like means of subsistence Cabeza and his companions were forced to resort. A few days' journey more, and the tracks of the Christians were visible. They were in the neighborhood of a party of Spanish slave hunters. Day by day they gained upon them, and at last Cabeza, leaving the others some little distance behind, came up with four Spanish horsemen. They took him to their leader, and to him Cabeza told the story of his marvelous wanderings.

Through the influence of Cabeza, many of the Indians were persuaded to return to their villages and bring out food, which they had concealed. The slave hunters, unable to find the Indians, had been hard pressed. The Indians could not be persuaded to believe that Cabeza and his companions were also Spaniards, of whom they were very much afraid.

These Spaniards gave Cabeza two guides, who should lead them to the Spanish settlement. The guides, according to their orders, took them in such a way that they should not again see the Indians, whom the Spaniards, contrary to their promises, seized as soon as Cabeza had gone. All of Cabeza's party came near perishing from hunger and thirst, and many of them did. But at last they reached the town of San Miguel, April 1, 1536, the first Spanish settlement they had seen since they left Cuba, nearly ten years before. They stayed here some time, and letters written by them to the Spanish king have been of some value in determining their route. On the ninth of August, 1537, Cabeza de Vaca, having passed through almost incredible adventures, landed at Lisbon, Spain.

That four men should thus travel through an unexplored region

is a matter of marvel, and as the first Europeans to traverse this country, their route a matter of great interest.

The only data for determining this is Cabeza's account, necessarily unreliable as to dates and definite information. It is a question that has excited great interest and one that has been discussed with widely varying results. To make positive assertions is under the circumstances impossible; to make approximate ones difficult. Were proof of this needed, it is conclusively shown in the fact that after careful study on the part of three or four of our great historians, Buckingham Smith, H. H. Bancroft, A. F. Bandelier, and others, men too well known to need comment, they have each settled on a different route.

We believe it is possible to determine definitely, at least within certain limits, two points in the route of the Spaniards. Cabeza's description mentions certain physical features of the country, and dwells particularly on the plant and animal life. Certain plants that he mentions, such as the cactus and the piñon, are characteristic of limited regions of our country, and it is from considerations of this kind that we have reached our conclusions.

The place where Cabeza met his friends was probably some point on the Colorado river a few miles above its mouth, where there was a walnut grove. This conclusion is based on the following data given by the Relation.

First, Cabeza says that he crossed four rivers shortly after leaving Malhado. We know that at least one of these flowed directly into the Gulf; for in crossing it one of the Spaniards' boats was carried out to sea.⁶ From his description it is also perhaps a fair inference that the other three flowed directly in, as no bays are mentioned. There is only one locality on the coast of the Gulf of Mexico where even one river flows directly into the gulf without a bay. East and west of the Brazos, we can count four such streams, at distances varying slightly from those mentioned by the Spaniards.⁷ These are Oyster creek, the Brazos, the San Bernard, and Caney creek.

⁶Relation of Cabeza de Vaca, Buckingham Smith's translation, p. 87; Oviedo, *Historia General*, quoted in Buckingham Smith's translation of the Relation, p. 95.

⁷According to the letter of Cabeza de Vaca, Dorantes, and Castillo, which was written in Mexico after their return, it was two leagues to the first

Cabeza says that shortly after crossing the last river they came to a bay about a league wide, which he crossed, and a few miles up a river found his friends. As they were keeping close to the coast, they probably did not notice Matagorda bay until they had gone some distance down the peninsula of that name. This is one instance in which Cabeza's distances tally very closely with the facts. He says the bay which he crossed was a league wide, and Matagorda bay is uniformly about that wide. If he crossed this bay about half way down the peninsula, he landed in the vicinity of the Colorado. He does not say he was on a river; but we know he must have been from the fact that the Indians told him he would find other whites "up the river."

Second, we know that when the Spaniards met they were in a few days travel of certain sand hills which were sufficiently high to be seen "from a distance at sea." This we gather from the account afterwards given by the Spaniards. Some distance along the coast at the mouth of the Guadalupe are some very high sand hills standing seventy-five or eighty feet above the bay.⁸ They form one of the most remarkable features of that coast, and the surroundings coincide very closely with the Spaniards' description. East of this point on the coast there are no sand mounds worthy of notice; west of it they are numerous but insignificant.

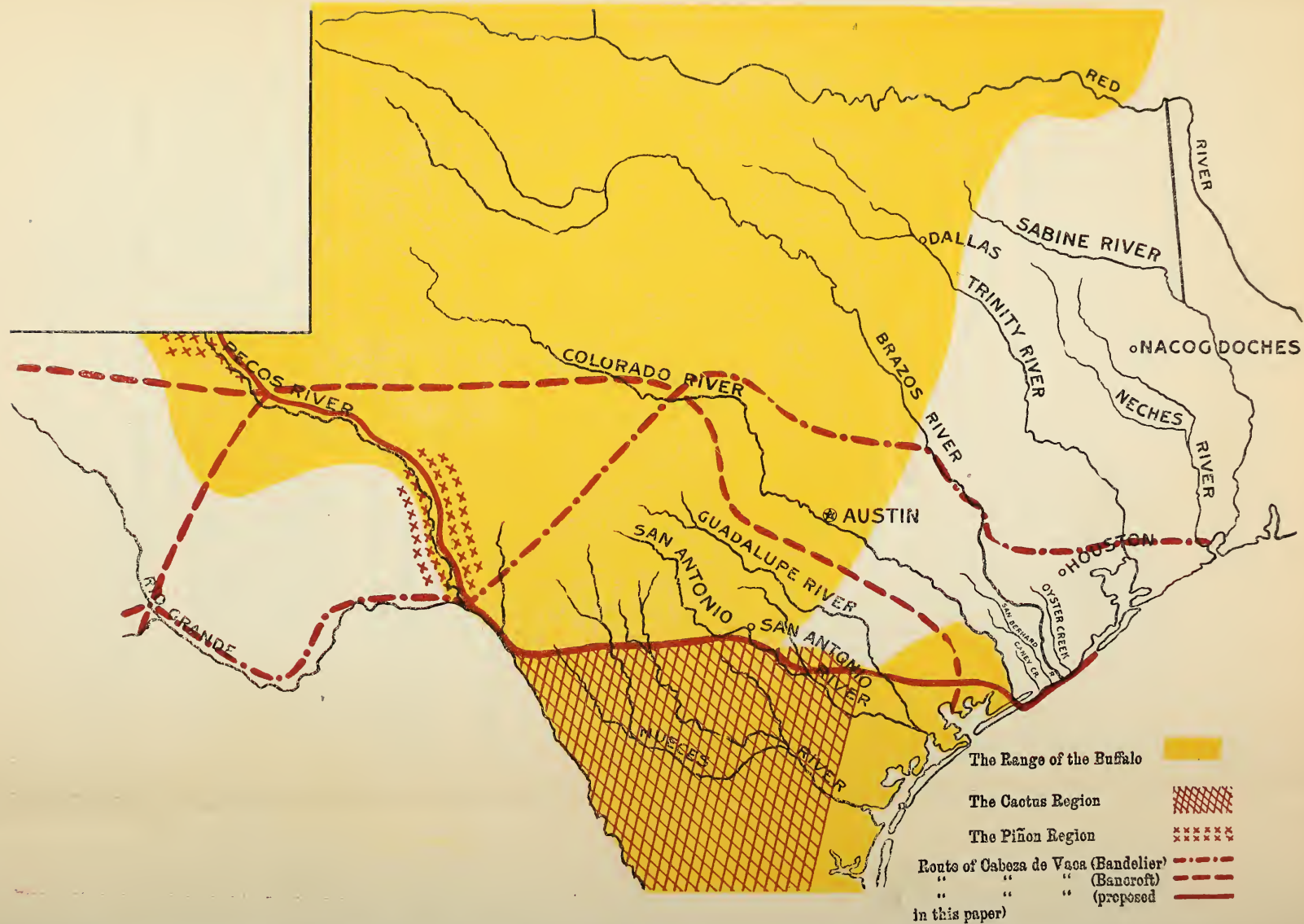
Third, according to Cabeza's account one of the most prominent characteristics of the country through which they travelled was the abundance of the prickly pear, the fruit of which constituted the chief food through a long part of the journey.⁹ Six months after their meeting, the Spaniards were taken by the Indians some thirty leagues to where they gathered this fruit, and where they remained several months living upon it alone.

The Spaniards then must have met at some point about thirty leagues distant from the prickly pear region. The cactus is a

river from Malhado; thence three leagues to the second; thence four to the third; and five or six to the fourth.—Oviedo, *Historia General*, quoted in B. Smith's translation of the *Relation*, p. 96, Addendum.

⁸Report of the U. S. Coast Survey, 1859, quoted in p. 325; B. Smith's translation of the *Relation*, p. 89, note.

⁹*Relation of Cabeza de Vaca*, Smith's translation, pp. 91, 105, 111, 118, 120, 125, etc.



The Range of the Buffalo

The Cactus Region

The Piñon Region

Route of Cabeza de Vaca (Bandelier)

" " (Bancroft)

" " (proposed in this paper)

widely distributed plant occurring in the west, northwest and southwest of Texas and in many parts of Mexico, particularly in the northeast; the region, however, in which it grows in such abundance as to constitute a food plant is limited to the country west of the Guadalupe river. The region of abundant cactus where the Indians would be likely to congregate for the purpose of living on it begins about ninety or a hundred miles west of the spot we have settled upon.¹⁰ The migration of the Indians to this cactus region was an annual occurrence.

Fourth, Cabeza says "Cattle came as far as here."¹¹ The buffaloes in Texas, according to J. G. Shea and others, probably never ranged east of the Colorado, at least not in the southern part of the state.¹² The range extended from near the point we have reached westward and northward over the great elevated table land and the Llano Estacado.¹³

The point where Cabeza met his friends, then, according to the narrative must have been a short distance west of four rivers that flowed directly into the Gulf without passing through bays; it must have been within a few days' journey of sand hills on the coast which could be seen some distance at sea; it must have been within about thirty leagues of the prickly pear region; finally, it must have been near the eastern limit of the range of the buffalo. These conditions are all satisfied by the locality mentioned, viz.: the vicinity of the mouth of the Colorado. No two of these, moreover, are satisfied by any other point on the Gulf coast.

Furthermore, if we are correct, some thirty or forty leagues east of the Colorado we are to look for the Island Malhado on which the boats were wrecked; to satisfy the conditions of the narrative, it

¹⁰We are indebted for our information concerning the cactus region to the following: Robert T. Hill, U. S. Geological Survey; William L. Bray, University of Texas; J. Reverchon, Dallas; T. H. Stone, Houston; J. H. Seale, Jasper; Geo. E. Beyer, Tulane University; W. W. Clendenin, La. Geological Survey; J. V. Vandenberg, Victoria; C. H. Tyler Townsend, Las Cruces, N. Mex.; F. Vandervoort, Carrizo Springs; W. F. Woods, San Antonio; E. A. Blount, Nacogdoches.

¹¹Relation of Cabeza de Vaca, B. Smith's translation, p. 106.

¹²John Gilmary Shea, in Winsor's Narrative and Critical History of America, Vol. II, p. 244.

¹³See map for buffalo and cactus regions.

must be some five leagues long by one wide. We at once think of Galveston island, which fits the description with a considerable degree of accuracy.

We have studied in this connection the routes proposed by three eminent historians, Buckingham Smith, H. H. Bancroft, and A. F. Bandelier. None of these seem to us in accordance with the facts given by the narrative. We confess we can not mark exactly the path of the wanderers; but we believe we have succeeded in fixing as definitely as may be done the limits in which certain conditions alluded to in the narrative can exist. Thus we so restrict the possible variation of their path as to get at least its general direction. It is by these same limitations of physical aspects and plant life that we expect to show the incorrectness of the other theories.

Buckingham Smith died before his revised translation was published, and it lacks the two maps by which he intended to show his idea of Cabeza's wanderings. His first theory was as follows: Cabeza started on his wanderings from somewhere near Mobile bay. The long sand island near the mouth of that bay he identified with Malhado. From here, the thought, Cabeza went to Musclesh Shoals on the Tennessee river, thence across the Mississippi to the junction of the Arkansas and Canadian. Then up the Canadian through New Mexico to the Pacific, near the Gulf of California.¹⁴

Everything in the narrative goes to show that the Spaniards could not have been east of the Mississippi after their shipwreck. Mr. Smith is the only one of those who have written on the subject who ever held this opinion. In the first place, it is almost certain had Cabeza crossed a stream of such magnitude, he would have described it in terms admitting of no misconception; still we can not be positive that he would have done so. But he does not mention crossing a single river, after starting on his inland journey, where it was necessary to use a raft. But he does call some rivers very large, which they were able to cross, the water coming only as high as the breast.

But there is abundant disproof of this view without reference to the Mississippi. It would be impossible to find the four rivers, or the cactus in the vicinity of Mobile. All the rivers in that region flow through bays before entering the Gulf. If there

¹⁴Relation of Cabeza de Vaca, B. Smith's translation, Appendix, p. 235.

is any cactus in Alabama, Mississippi, and Louisiana, it is only in isolated bunches, and could not be looked upon as a food plant. Mr. Smith himself afterwards abandoned this theory, and in his last edition inclined to the view that Cabeza crossed Texas from the neighborhood of Espiritu Santo bay.¹⁵

Bancroft says the meeting place of the Spaniards was the Espiritu Santo bay, in Texas.¹⁶ But he simply makes the assertion, without giving the reasons which led him to adopt it. In fact, he is very brief on the whole subject of Cabeza de Vaca, dismissing it with a few pages.

A. F. Bandelier, whose reputation as an archaeologist gives his statements more importance than those of the two historians mentioned above, thinks the four wanderers started from some point in Western Louisiana or Eastern Texas. On his map he makes it the coast region around Sabine lake. The wrecking of the boats, he says, took place near the Mississippi delta. The only reason he gives for this conclusion is a rather indeterminate one. He thinks he can positively identify a certain point farther along in Cabeza's narrative. He then counts the rivers the Spaniards have crossed and identifies them with Texas rivers. Thus he gets back to the starting point.¹⁷

We object to Mr. Bandelier's reasoning, first on this very point. If we take a definite point in western Texas and Mexico and count a certain number of rivers to the east, we will arrive at different results according as we cross the northern or southern part of the State. That is, we would cross more rivers near the coast. But we do not think Mr. Bandelier's theory will hold for other reasons.

First, it places the route too remote from the cactus region, whose limits we have already mentioned.

Second, it does not agree with Cabeza's statement about the buffaloes. They probably did not range so far east.

Third, we can not reconcile Sabine lake region with the description of the four rivers which were crossed just after leaving Malhado. There is not even one river, as we have already stated, any-

¹⁵Relation of Cabeza de Vaca, B. Smith's translation, Appendix, p. 235.

¹⁶H. H. Bancroft, *North Mexican States and Texas*, Vol. I, pp. 63, 64.

¹⁷A. F. Bandelier, *Contributions to the History of the Southwestern Portion of the United States*, pp. 49-53.

where near Sabine lake, east or west, which flows directly into the Gulf. We are, therefore, forced to the conclusion that the Spaniards were never in the vicinity of Sabine lake.

But in proceeding with the discussion, conclusions are not so safely drawn. There is only one other point to which we feel we can safely assign any definite location. This is the southern portion of New Mexico or the western portion of Texas. This opinion is based on the following facts, taken from the Relation. Cabeza thus refers to a tree, the nut of which was used by the Indians for food. "There are in that country small pines, and the cones of these are like little eggs; moreover, the seeds are better than those of Castile, for they have very thin shells."¹⁸ Elsewhere, the trees are thus described by the Spaniards: "And they gave them a great number of pine nuts as good and better than those of Castile, for they have shells of such nature that they eat them with the rest of the nut; the cones of these are very small, and the trees thick in those mountain ridges in quantities."¹⁹ Compare with these descriptions the botanical description of the *pinus edulis*: "A low, round-topped tree, six to nine metres high; cones subglobose, five centimetres long; seeds brown, wingless, and edible. In mountains of western Texas and westward."²⁰ The shell of this nut is so thin that it may be easily eaten "con lo demas."

These three descriptions coincide so nearly that there can scarcely exist a doubt that the piñon of Cabeza is the *pinus edulis* of New Mexico and Western Texas.²¹ The region in which this pine grows

¹⁸"Hay por aquella tierra piños chicos, y las piñas de ellas son como huevos pequeños, mas los piñones son mejores que los de Castilla, porque tienen las cascarras muy delgadas."—Cabeza de Vaca, Naufragios, p. 540.

¹⁹"E dieronles alli mucha cantidad de piñones tan buenos y mejores que los de Castilla, porque tienen las cascarras de manera que las comen con lo demas; las piñas dellos son muy chiquitas, é los arboles llenos en aquellas serranias en cantidad."—Oviedo, Historia General, p. 606, quoted in Bandelier's Contributions, p. 57, note.

²⁰John M. Coulter, Botany of Western Texas, p. 554.

²¹Bandelier denies this, and says the tree must have been a North Texas cedar. Dr. V. Havard, of the U. S. Army, in a letter on this subject, states that no juniper (cedar) in Texas bears "a fruit larger than a large berry. Bald cypress (*Taxodium disticum*), or Sabino of

covers nearly all of New Mexico; but is found in Texas only on the mountains west of the Pecos river.²² This indicates that Cabeza and his friends must have been at least as far north as these mountains; that is, nearly as far north as the latitude of El Paso.²³

Furthermore, there is evidence of the strongest character that the Spaniards crossed the route traversed only a few years later by Coronado, which, according to the monograph of George Parker Winship, published in the fourteenth annual report of the Bureau of Ethnology, at no point east of the Rio Grande extended further south than the 35th parallel. If this be true, Cabeza must have been well up in central New Mexico. The evidence on which this assertion is based is an extract from the narrative of Pedro de Castañeda, who accompanied Coronado on this expedition. It reads as follows: "The general sent Don Rodrigo Maldonado with his company forward from here. He traveled four days and reached a large ravine like those of Colima, in the bottom of which he found a large settlement of people. Cabeza and Dorantes had passed through here, so they presented Don Rodrigo with a pile of tanned skins and other things, and a tent as big as a house. * * * When the general came up with the army and saw the great quantity of deer skins, he thought he would divide them among his men and placed the guard so they could look at them. But when the men arrived and saw the general sending some of the men with orders for the guards to give them some of the skins, and that these were going to select the best, they were angry because they were not going to be divided evenly, and made a rush, and in less than a quarter of an hour nothing was left but the empty ground. The

the Mexicans, sparingly found on a few creeks as far west as Ft. Clark, bears a globular fruit an inch in diameter, but no one who has seen a pine cone could mistake one for the other."

²²We are indebted for information on this subject to the following: Robt. T. Hill, U. S. Geological Survey; William L. Bray, University of Texas; C. H. Tyler Townsend, Las Cruces, N. M.; Mrs. Anna B. Nickels, Laredo; Joseph A. Taff, U. S. Geological Survey; J. Reverchon, Dallas; Theo. D. A. Cockrell, Mesilla, N. M.; L. M. Kemp, El Paso; President Herrick, University of New Mexico; B. Coopwood, Laredo; Dr. Havard, U. S. Army.

²³A recent letter from Judge Williams, of Fort Stockton, necessitates a modification of this statement. See note 27 on p. 183.

natives who happened to see this also took a hand. The women and some others were left crying, because they thought that the strangers were not going to take anything, but would bless them, as Cabeza and Dorantes had done when they passed through here."²⁴

It will be remembered that the Indians who followed Cabeza and his friends were so thoroughly under his influence that they surrendered to him all their earthly goods, and even dared not eat or drink until he had given them permission. When Coronado appeared, their remembrance of the four caused the Indians to act as above. Certainly, then, Coronado met at least one tribe that had seen Cabeza. But might that tribe not have seen him at another place further south? This is possible. Castañeda, however, when he wrote the passage quoted above, evidently believed and explicitly stated that such was not the case, but that "Cabeza and Dorantes had passed through here."

But in tracing their route from the starting point to this place, we meet with difficulties. After traveling for some time from the cactus region, Cabeza says they came in sight of mountains. Most probably they were going up the San Antonio river, which flows down through the cactus region. This river has its source in the hills which form the southern limit of the Edwards plateau. These, it would seem, would be the first "mountains" of which he speaks. At this point, however, Cabeza states that they are still near the coast, within fifteen leagues.

Furthermore, after traveling along the plains at the foot of the hills, and inland some fifty leagues, they find themselves in the piñon region. The distance from the Colorado to the piñon region of New Mexico is more than twice as great as that given by Cabeza. This is one difficulty we have not been able to conquer. The fact remains, however, that he ate the pine nuts and came near the route subsequently followed by Coronado, and so must have been as far north as New Mexico. These facts we regard as fundamental, and matters of time and distance, recorded many months afterwards, must yield to them when found in conflict.²⁵

²⁴George Parker Winship, translation of the Narrative of Castañeda, 14th Annual Report of the Bureau of Ethnology, pp. 505, 506.

²⁵See note 27, p. 183, which partially clears up this difficulty.

It must be remembered that the Spaniards were without means of carrying water, so their route was necessarily determined by natural water courses and a due regard for the food supply. The most favorable route, then, from the San Antonio or Guadalupe river, where they probably ate the prickly pear, to New Mexico, would be up the San Antonio river to the escarpment of Edwards plateau, thence west across the various creeks which run into the Nueces to the Pecos; then up the Pecos to the first rivers flowing into it from the west, which would offer the wanderers an opportunity to cross the desert mountains to the Rio Grande.

The probability that this was the route pursued is further strengthened by the fact that the Indians were conversant with the least difficult ways of passing from one tribe to another, and would so direct these men, who, in the eyes of the savages, had become little less than gods. Such a route we believe they pursued.

But another difficulty arises here: they do not mention ascending a river before reaching the piñon region, which is an omission hard to account for. Still, the fact remains that it would be an impossibility to reach the piñon region without carrying large quantities of water, unless they did ascend some river.²⁶

Still another difficulty confronts us. After leaving the tribe where they first found piñones they traveled an unrecorded distance, then crossed a great river coming from the north. Then, again, they crossed thirty leagues of plain, or most probably went up the valley of some tributary from the west, then traveled fifty leagues of desert mountains to another great river. The descriptions given in the Relation fit the Pecos-Rio Grande country in southern New Mexico or Western Texas with a considerable degree of accuracy. But if that is the country described, it would transfer the piñon region to the east of the Pecos, which is not in accordance with the facts.²⁷

²⁶See note 27.

²⁷Since this paper was read at the meeting of the Association on December 29, we have received a letter from Judge O. W. Williams of Ft. Stockton, which, it is gratifying to note, clears up some of the difficulties here mentioned. Judge Williams informs us that the piñon "is found in rough brakes near Pecos river (on each side) near the Pontoon bridge, and from there to the Rio Grande on both sides. . . . North of the Pontoon Bridge on the east side of the river, it is not found until you get

But since other data also identify this New Mexico region, we feel justified in still maintaining that his route lay in that country. The piñones, buffalo range, and Coronado's expedition, are facts so essential in this discussion that we can not set them aside for facts less essential.

Bancroft believes that, after leaving Espiritu Santo bay, the Spaniards went northward, following the general course of the Colorado river as far as San Saba. From here they went westward to the Pecos, and crossed it very near the southern boundary of New Mexico. From this point, Bancroft's description is marked by a great deal of uncertainty. He suggests two routes. One goes southwestward to the Rio Grande near the mouth of the Conchos; then up the Conchos some distance; thence across the mountains to the Yaqui, and down that and the coast of Culiacan. The other route proceeds from the Pecos due west along the southern boundary line of New Mexico to the Rio Grande near El Paso; thence almost along the United States boundary line to the upper waters of the Sonora; from here down the coast to Culiacan.²⁸

The theory advanced by Bancroft, at least the one which takes Cabeza very close to New Mexico, is the most reasonable one so far as published. It is, however, exasperating that no reasons are given for the positions taken. The great objection to the route is that in following up the Colorado the Spaniards are kept out of the cactus region until they strike the Pecos. Then, too, the country from San Saba mountains west to the Pecos is dry and barren and almost impassable. It is, therefore, unlikely that they crossed it. Both routes suggested by Bancroft are, perhaps, a little too far south to pass through the edible pine region; and through this we feel sure they passed.²⁹ The hypothesis that they went from the

high up in New Mexico." The conditions of the Relation are satisfied by this fact; the distance from the Colorado to the Pecos is approximately that mentioned by Cabeza; the great rivers flowing from the north (Pecos and Rio Grande) no longer present difficulties. It will be noticed that the route of the Spaniards is thus drawn farther toward the south than is indicated by the body of this article. The route proposed by Bancroft becomes more probable as it is consistent with the likelihood that Cabeza ate piñones on the lower Pecos. See map.

²⁸H. H. Bancroft, *North Mexican States and Texas*, Vol. I, pp. 64-70.

²⁹See note 27, p. 183.

Pecos to the mouth of the Conchos and up that river is entirely untenable, as it would keep them out of the piñon region.³⁰ Both routes are also too far south to agree with Castañeda's statement that Coronado crossed Cabeza's path in New Mexico.

We have already shown that Bandelier blundered in making Sabine bay the meeting place of the Spaniards. We believe that in his suggestion of the latter part of the route he has settled upon the impossible. He states that the Spaniards crossed the Trinity not far from the coast, and made their way thence westward to the Brazos, and up that stream for a considerable distance. Crossing this, they journeyed to the neighborhood of San Saba, where they crossed the Colorado. Then turning southwestward, he believes they crossed the Rio Grande near its junction with the Pecos. The line of march from here follows the bend of the Rio Grande to the mouth of the Conchos, thence to the mountain region westward and southward to San Miguel.³¹

As we have said, there are well-founded objections to this route.

First, he excludes the Spaniards from the great prickly pear region. This plant is not to be found along the route thus marked out in sufficient quantities to serve as a food supply.

Second, if Cabeza's route lay so far to the south, Coronado would probably never have heard of him on his journey.

Third, the passage along the bend of the Rio Grande was an absolute impossibility. From the Conchos to the Pecos, the Rio Grande does not receive a single tributary, and flows through a series of rocky cañons, often as deep as two thousand feet.³² When the boundary line between Mexico and the United States was first surveyed, long detours were made to avoid the difficulties of this route.³³ It is hardly probable that Cabeza, without any means of transportation, should have attempted this route, where not a drop of water was to be had.

³⁰See note 27, p. 183.

³¹A. F. Bandelier, Contributions, etc., map.

³²This statement is made on the authority of Robert T. Hill of the United States Geological Survey.

³³In following the course of the river "we had frequently to make detours of twenty-five and thirty miles, in order to advance our work a few hundred feet." Report on the United States and Mexican Boundary Survey, Washington, 1857, vol. I, p. 76.

From the piñon region in New Mexico, or Western Texas, somewhere reasonably near the path of Coronado, to the settlements in Mexico, we are not yet prepared to definitely locate the route of the four wanderers. Perhaps they reached the upper course of the Gila and followed that river until they could cross to the watered country to the south; or perhaps they found their way more directly to the south. Of this, we shall have more to say on another occasion.

In conclusion, we believe we have established the following points:

First, Cabeza met his friends, after their long separation, somewhere near the mouth of the Colorado. This is the only place on the Gulf coast which satisfies all the conditions given in the Relation: (1) It is about thirty leagues from the great cactus region; (2) it is within a few days' journey from a group of sandhills seventy-five feet high, an uncommon feature on the Texas coast; (3) the buffalo range extended to this point, and probably no farther; (4) there are four large streams, east of Matagorda bay, which flow directly into the Gulf.

Second, he passed through the southern part of New Mexico, and probably ascended the Pecos or Rio Grande to near the central part. This we believe (1) because the piñon region does not extend into Texas beyond the Guadalupe mountains, and we know that Cabeza traveled many days north after entering this region;³⁴ (2) there is also positive evidence that Coronado, who did not come farther south than the 35th parallel, found traces of Cabeza and his friends.

Third, between these two points, he probably followed the natural route indicated on the map. The evidence as to the exact route is not so conclusive, and the results not so positive as it is in regard to the two points mentioned above. But these seem to fix the general direction of the route, and nothing is found in the narrative which is contradictory; but, on the other hand, much of the description serves to strengthen this conclusion and render it fairly probable.

³⁴This conclusion is necessarily modified by Judge Williams' statement that the piñon occurs along the lower course of the Pecos. See note 27, p. 183.

J. PINCKNEY HENDERSON.

An Address Delivered on the Occasion of the Obsequies in Memory
of General Henderson, August 21st, 1858.*

F. B. SEXTON.

Ladies, Fellow-Citizens, and Brother Masons:

The wisdom, no less than the goodness and mercy, of Almighty God, are eminently exhibited in the varied and numberless forms in which the solemn thought of death is presented to, and withdrawn from, our consideration. It is continually before us, yet ever absent from us. Decay and death are written upon every falling leaf and faded flower, while every joyous spring-time, every bright rosebud that lifts its gilded petals to the morning sun, speaks to us of life—hopeful, expansive, unending life. Were it otherwise, and were the hopes and fears, the joys and sorrows, the cares and delights, the ambitions and disappointments of this life the only objects which claimed our attention, or awakened our interest, we should be but illy prepared for the great change which is to sever our connection with all of them; while, on the other hand, were the pathway of our terrestrial pilgrimage entirely walled in with tombs, and spectres and winding sheets, were all our wreaths of laurel transmuted into wreaths of cypress—the atmosphere of our being would be so overcast with gloom, our reflections would take such pallid and sombre hues, that we could never fulfill the practical duties of life; we could never consummate the useful, benevolent and glorious purposes to which, in the economy of the Grand Artificer of the Universe, we have been dedicated. Truly, we should say with the Royal Psalmist of Israel, “Oh the depth of the riches of the wisdom and knowledge of God! how unsearchable are His judgments and His ways past finding out!”

*This address has, through lapse of time, become historical in itself, aside from the facts given relative to General Henderson. It is therefore published entire.—PUBLICATION COMMITTEE.

Yet it is strangely and remarkably true that, amid the equal distribution of attractions to life and memorials of death, men are prone, with a perversity nearly amounting to madness, to reject or postpone all considerations of the latter. While we know that the dazzling visions and alluring pleasures of time are but transient—that they must end at the dark valley and shadow which connects it with endless futurity—it is wonderful that we fasten all our thoughts, affections and cares about them, with ligatures that can not be dis severed until rudely broken, and with energies exhausted, and spirits broken down in their pursuit, leave to

“* * * a day, an hour,

The vast concerns of an Eternal scene.”

In the impressive language of the Masonic burial service, “notwithstanding the various mementoes of mortality with which we daily meet—notwithstanding death has established his empire over all the works of nature, yet through some unaccountable infatuation we forget that we are born to die.” But if there be a future—and who, that feels the spontaneous throbbings of immortality in the soul which God has breathed into him, can doubt it?—if there be a future, we shall have no ground to complain that this important and serious change came upon us without previous warning. No; we shall rather reproach ourselves with our inexcusable neglect of the many admonitions which were given us, for they hang thick upon every column that supports this vestibule of Eternity. We are reminded that we must die by every tree that falls, and every blade of grass that dies—by the desolate cities, ruined palaces, fallen columns, overgrown gardens, and broken-down walls, which make up the pages of history—by the ten thousand monuments which overlay the bones of Earth’s renowned ones, and herald what they were, or “what they should have been”—by the ten thousand times ten thousand more unmarked graves, to whose occupants the “tribes that tread the earth” “are but a handful”—by the “pestilence that walketh in darkness,” from before which our brother-men fall, as grass before the reaper’s scythe—by the pale forehead, the wan cheek, the sunken eye, the hectic cough and stooped form of our fellow-beings who walk among us. We are today most forcibly reminded of it by the absence from among us of our distinguished fellow-citizen, our friend, our neighbor, our

brother, JAMES PINCKNEY HENDERSON, whom, if integrity of character and purity of purpose, if the confidence of his friends and neighbors, the admiration of his fellow-citizens, the respect of his senatorial peers, the attachment of his brethren of the "mystic tie," and the love of an affectionate family, could have retained on earth, *"he had not died."*

Gen. Henderson was born in Lincoln county, North Carolina, on the 31st March, 1809. He descended from an ancient, an honorable family. His father was a prominent leader of the Federal party, and his name is yet much revered by the older citizens of the "old North State." I have not been able to collect as many incidents of the early life of Gen. Henderson as I desired, or as I could have done had more time been allowed. In his boyhood a strong affection for his mother was manifested—a development which is discernible in the character of most distinguished men. His mother having once been asked if he had not been refractory, replied: "No, some of my other boys were headstrong, but Pinckney was *always* a good boy." As a youth he was far more than ordinarily intelligent, and gave promise of the brilliant career he afterwards attained. He was a student for several years at the University of Chapel Hill. He studied law, and was admitted to practice in North Carolina before he was twenty-one years of age. While preparing for his profession, his application was most intense; for, as he himself has told me, he often studied eighteen out of the twenty-four hours. Such injudicious labor injured his constitution, and, it is to be feared, laid the foundation of the fatal disease from which he never entirely recovered. At the age of twenty-two he was appointed aide-de-camp, with the rank of major, to Maj. Gen. A. McDorrett, of the Fifth Division of the Militia of North Carolina, and later was elected colonel of a militia regiment.

In the autumn of the year 1835, Gen. Henderson removed from North Carolina to Mississippi, and having settled in Madison county, in that State, commenced the practice of law with the brightest prospects for success. He had, however, not more than located himself in his new home, when the struggles of the then province of Texas to throw off a degrading and oppressive pupilage, begun to attract the attention and enlist the sympathy of the noble and generous in every land. As I have observed before in speaking of him, he at once resolved to make the Lone Star the

star of his destiny. In the spring of the year 1836, he aided in raising a company of volunteers in Mississippi for service in Texas. He came to Texas himself in 1836, reaching here before that company. Soon after his arrival, he was commissioned by the then President, David G. Burnet, to return to the United States, and recruit for the Texas army. One company raised in North Carolina was brought to Texas at his own expense. Gen. Henderson returned to Texas in November, 1836, and so soon as he arrived at the seat of government was appointed by President Houston Attorney General of the Republic, which position he held until the month of December following, when he was appointed Secretary of State, that office having become vacant by the death of the venerated and lamented Stephen F. Austin.

In the early part of the year 1837, Gen. Henderson was appointed minister plenipotentiary and envoy extraordinary from the Republic of Texas to France and England. He was commissioned to solicit the recognition of the Independence of Texas, and was invested with plenary powers as ambassador, also to conclude treaties of amity and commerce. During his term of service the independence of Texas was recognized by both England and France. Amid the brilliant array of statesmen and diplomatists, which is always presented at the courts of St. Cloud and St. James, and which, at that time, too, was adorned by talent of the first order from both continents, our worthy and lamented senator commanded respect for his fidelity to the objects of his mission, and esteem for the sincerity and true nobility of his nature. He acquired for Texas—then weak and with difficulty maintaining a bare existence as a separate nationality—a position of respectability and dignity. Texas should ever be grateful for his services, and proud of her adopted son. His success as minister is one of the strongest evidences of the native superiority of his mind. He was only in the twenty-ninth year of his age when he negotiated commercial treaties between two of the greatest governments of the world, and the then infant Republic, without money, resources, armies or navies; in short, with nothing but the justice of her cause and the favor of Heaven. None but a mind of the greatest vigor, and a soul of the highest firmness, one which could not be discouraged by disappointments, or driven back by obstacles, could have suc-

ceeded in the delicate and difficult mission with which he was charged.

It is proper to state that Gen. Henderson, on all occasions, in public and private, expressed without reserve his sense of obligation to Gen. Cass for valuable aid in accomplishing the objects of his mission in France. Mr. Cass was then the resident minister from the United States at the French court. He was not only interested in the fate of Texas, but was attracted toward Henderson by his talents, and his noble manly bearing. From him Gen. Henderson frequently received distinguished attention, and often shared his confidence. The good opinion of that eminent and venerable statesman, thus early acquired, was never lost. Not more than two years since some citizens of Texas in Washington City were speaking in his presence of the probable election of Gen. Henderson to the United States Senate, when he expressed his warmest gratification at the intelligence, and spoke of him in the highest terms of commendation and friendship.

While in Paris Gen. Henderson became acquainted with Miss Frances Cox of Philadelphia, who was residing in that city with her father, Mr. John Cox. Mr. Cox was then in Paris for the purpose of educating his children, two daughters and a son. Gen. Henderson and Miss Frances were married in October, 1839, in the city of London. Mrs. Henderson lived for sixteen years in our village, and her intelligence and private worth are well known and appreciated by our citizens. Her loss calls forth our deepest sympathy; but private grief, while it is great, is sacred from public intrusion.

General Henderson returned from France to Texas in the beginning of 1840, and was everywhere welcomed by the warm gratulations of his countrymen. At Galveston a complimentary dinner and ball were given him; invitations to accept public demonstrations of respect were extended to him from several other places, but with characteristic modesty he declined them all. At the expiration of Gen. Lamar's term of office, he was strongly urged to become a candidate for the Presidency of Texas. He answered that he was not old enough, as the Constitution of Texas required the incumbent of that office to be thirty-five years of age. His friends replied that that would cause no difficulty, as he was generally taken, by appearance, to be forty, and no questions would be asked.

To this he said that he would "never violate the Constitution of his country, though no one on earth should know it but himself." His own heart, he said, would know it and would condemn him. Can Roman history furnish an instance of more rigidly virtuous practice than this? Even Aristides, who would not deceive the countryman who asked him to write the ballot for his own banishment, was not more conscientious than Henderson in the discharge of his obligations to his country and her laws.

In 1840 Gen. Henderson made his home in our village, and commenced the practice of his profession. As a lawyer he was distinguished for the vigor of his mind, the clearness and quickness of his perceptions, and the perspicuity of his reasoning. His early reading was most accurate and thorough. He paid the most careful attention to elementary and general principles. Probably no man understood better than he the great fundamental principles of the common law. So extensive and laborious was his practice in Texas that it was impossible for him to pursue a regular and constant course of reading, which no lawyer should neglect, and the inability to do which he much regretted. But his very constant practice supplied the want which a failure to read would have created. His mind and his elementary knowledge were kept in continual exercise, and in keeping up with the practice he necessarily kept up with the progress of law as a science. If called upon to give an opinion upon any question or state of facts, it would much more likely be the deduction of his reason from some well known general principles than the statement of a decision made by any judicial tribunal. And the deductions of his reason thus made rarely ever failed to concur with and be corroborated by the judgments of the most enlightened tribunals of our country. My brethren of the bar will recollect how often many of us have observed what a remarkable coincidence existed between the professional opinions of Gen. Henderson, formed and expressed as I have just stated, and the "*lex scripta*," as found to be laid down after laborious investigation and research by the most erudite and accomplished authors on jurisprudence. He was gifted, too, with an extraordinary memory. He kept no written digest of the decisions made in the court where he practiced, but if you asked him if a certain question or principle had been decided he could tell you,

and when, before whom, in what case, how the question arose, and the full scope, extent and limitations of the decision.

Not many lawyers can boast of a more successful professional career of Gen. Henderson. I doubt if many have even equalled his success. His practice was confined to no district—wherever there were difficult or important cases his services were secured if they could be. In his fidelity to his clients he was a model to which every lawyer can point with pride. When once engaged no labor was too arduous for him to perform, no obstacle too serious for him to overcome, if in the way of service to his client. His sincerity and ingenuousness, which were the controlling traits of his character, were especially manifested in his professional life. He never would entrap or brow-beat a witness, but if he found one evading or contradicting the truth wilfully he would expose him in manner and terms the most scathing and overwhelming.

His courtesy and kindness in his intercourse with his professional brethren will not soon be forgotten. He was utterly and entirely above what a distinguished lawyer has singularly termed the “snapparadoes of practice.” His noble heart scorned equivocation and deceit, while his great mind taught him that they never secured any permanent success. Gentlemen of the bar who are present, I doubt not, will sustain me in saying that when we could not be associated with him, it was pleasant to have him as an adversary; for no one feared from Henderson the exercise of an illiberal or technical advantage. But it was especially to the younger members of the profession that he endeared himself. I have never met a young lawyer who knew him and did not love him. None ever approached him for assistance or instruction who went away rebuffed—and when he did impart information or instruction, there was a kindness in his manner which all who have ever experienced must well remember, but which no words can properly describe. He was wholly free from that patronizing and self-important air, which too often characterizes great lawyers and learned men, and renders their great powers and attainments useless. If you came to Henderson for advice or consultation, you were not met with that pompous and lofty demeanor which seems to say, “be careful, you stand in the very shadow of greatness;” but *he* took you at once to his heart; if you were doubtful, he re-assured

you; if you were timid, he encouraged you; if you were obscured, he threw light upon your pathway.

No class of men will more sincerely mourn the death of Henderson than the lawyers of Texas. None should place a brighter wreath upon his tomb than they.

GENTLEMEN OF THE BAR, he was one of the noblest exponents of that great conservative element of human liberty which our profession, in its purity, constitutes. None of us will blush to own him as an example. We shall miss his fine eye, his friendly smile of recognition, and the warm grasp of his hand, at the assembling of our courts. The flow of social feeling which is always produced by our pleasant reunions on the circuit, will be checked for a moment, as we pause to think that our eloquent and generous brother, who most loved to encourage this feeling, has gone down to the realms of death. The bench, the bar, and the people, will feel that a great light has gone out—that a noble heart has ceased to beat—that a powerful mind has been relieved from its earthly labors.

In the year 1844, the Congress of Texas having made an appropriation to pay a minister to go to Washington City, to act in concert with Col. Van Zandt, the Chargé of Texas to the United States, in negotiating a treaty for the annexation of Texas, Gen. Henderson was appointed by President Houston Minister Plenipotentiary for that purpose. Gen. Henderson and Mr. Van Zandt had but little difficulty in negotiating a treaty with Mr. Calhoun, who was then Secretary of State of the United States. This treaty was, however, rejected by the Senate. Subsequently the resolutions of annexation passed. Gen. Henderson was warmly in favor of annexation, and his exertions and speeches in behalf of that measure must be well remembered by many who now hear me. In 1845 he was elected one of the members from San Augustine county to the Convention which framed our State Constitution. This is generally conceded to have been the ablest political body which ever assembled in Texas, and he was one of its leading members. It may not be improper to mention here, as an illustration of the liberal and enlarged views by which Gen. Henderson was always actuated, that one of the ablest and most extended speeches he made in the Convention was in opposition to that clause of our Constitution which unconditionally prohibits ministers of the gospel from

being members of the Legislature. He did not think it would be inconsistent with the notions of propriety which every minister ought to entertain for him to engage in political contests, but still he thought that was a matter for his own consideration. He regarded the prohibition not only as a reproach upon the ministry, but as absolutely depriving a citizen of one of the ordinary rights of freemen merely because he followed his own judgment and inclination in adopting a profession. His reasoning on this subject exhibits his usual clearness and power, and will well repay a perusal. In the course of his speech he paid a merited tribute to a worthy and faithful minister who survives him, and is now present, and who, I trust, will not forget the efforts of Henderson to remove the stigma which the Constitution has placed upon his sacred calling. He was, however, unsuccessful in opposing the provision, and it became a part of the Constitution, although his views were sustained by some of the ablest minds in the Convention, among whom was his predecessor in the Senate, the lamented Rusk.

In November, 1845, Gen. Henderson was elected Governor of Texas. In the spring of 1846, the war with Mexico having commenced, a requisition was made on Texas for four regiments of volunteers. They were raised, and Governor Henderson took command of them in obedience to a resolution of the Legislature of Texas inviting him to do so. When the troops from the neighborhood of Austin left for the seat of war, Gen. Henderson was unable to leave his bed. A week later he started in a carriage with only one or two friends and without an escort, though his route lay within a short distance of a large body of Mexican troops. He led the second Texas regiment in person on the third day of the attack on Monterey. There are those present today, doubtless, who know how gallantly he bore himself on that field of danger. On one occasion, on the last day, in an attack upon a house from which a murderous fire was pouring, Gen. Henderson, in reconnoitering, before he observed it, was cut off from his men. In order to regain them he had to pass for some distance along a narrow street, lined on both sides with houses, the tops of which were covered with men to whose guns he offered the only aim. Deeming it reckless to throw away his life if he could save it, he made his way to his command on his hands and knees—in this respect imitating the great Napoleon, who was forced to adopt the same method of avoid-

ing the murderous volleys fired at him when he effected his entrance into Vienna. That noble and chivalrous son of the South, the Hon. Jefferson Davis, whose command was near Henderson's on that important day, in describing this circumstance uses the following language: "On the third and last day of the attack, when night was closing around us, and we were near to the main plaza, we learned that we were isolated; that orders had been sent to us to retire; that the supports had been withdrawn, and that we were surrounded by a large number of the enemy. A heart less resolved, a mind less self-reliant than Henderson's might have doubted, wavered and been lost. The alternative was presented to him of maintaining a post which he was confident we could hold, or of retiring, when it was doubtful whether we could cut our way through the enemy; he asked no other question than 'Are we ordered to retire?' On learning that such was the fact, he decided, at whatever hazard, to obey; and narrowly on that occasion escaped with his life. The sense of duty rose with him superior to all other considerations; and he obeyed an order which he might have been justified in disobeying, because of the dangers to which it would subject him."

Could a higher eulogy be pronounced on any man? And in every department of life wherein he was called to engage, we see this "sense of duty rising superior to every other consideration." At the bar, in the cabinet, in the field, in private life, whenever he was called upon to do an act, or a subject was proposed for his consideration, he asked but the one question, "Is it right?"

It is unnecessary to say anything of Henderson's courage to you, his personal acquaintance and friends. To quote again from the eulogy of Col. Davis, you know that he was "gentle as the lamb in the midst of his friends, but bold as the lion in the face of danger, and when confronted by an enemy." No Sir Knight ever fought more valiantly than would Henderson for his country, or for a just cause, and none could be more kind and generous than he to a fallen foe.

Gen. Henderson was one of the commissioners appointed by Gen. Taylor to negotiate with Ampudia for the surrender of Monterey. For his services in that battle Congress voted him a sword in connection with the heroic Quitman and two other major generals.

As another instance of the probity he practiced in the discharge of his public duties, it may be mentioned that while in the war with Mexico he was appointed a major general in the service of the United States, and was entitled to the pay of that office as well as to his salary as Governor of Texas. But he declined to receive any portion of the compensation due him as Governor while he was absent from the seat of government, and accepted only his pay as an officer in the army, deeming that most clearly due him for labor performed, and considering also that as between Texas and the United States the former was much more in want of every dollar in her treasury. After the close of the war Gen. Henderson returned to Texas and resumed his duties as Governor. At the expiration of his official term he declined a *renomination*, and resumed the practice of his profession. He steadily declined to hold any other public office until November last, when, after the death of Gen. Rusk, he was unanimously chosen his successor by the Legislature of Texas, in response to what was the general voice of the people, according to the most unmistakable indications.

In politics Gen. Henderson has always been recognized as belonging to the great Democratic party founded by Mr. Jefferson. He was zealous and energetic in behalf of his party, yet he would advocate no measure, he would support no principle he did not believe to be right, and which could not secure the approbation of his conscience and the conviction of his judgment. He was one of the few public men who acted out the maxim of Paley—that “what is morally wrong can not be politically right.” Majorities were sometimes against him, but they moved him not when his own mind and heart were satisfied with the position he was occupying. To borrow the language of one of his great compatriots, he “could neither be coaxed or dragged into doing anything he believed to be wrong.” He liked to agree, as all would, with majorities, if he could do so upon principle, but if he could not, he felt assured that—

“One self-approving hour whole years outweighs
Of stupid starers and of loud huzzas.”

While Gen. Henderson was a National Democrat, it is most unquestionably true that an attachment to the rights and interests of the Southern States was a controlling feature in his political

creed. But I feel that on this occasion it is proper that I should, and that I am fully authorized to say, that Gen. Henderson was *not a disunionist*, in the offensive sense which that term is sometimes made to assume. He believed that true conservatism consisted in never yielding a right principle; hence he was generally opposed to all the so-called compromises on questions affecting the rights and interests of the South with regard to negro slavery. He believed the Southern States to be *equal*, not *inferior*, members of our great confederacy. He thought that our citizens had a right to go with their slaves to any of the common territories of the Union, and he was not willing to say or do anything, to make any agreement which would, to the slightest extent, compromise or jeopardize this right. He believed that if the South could be united and firm in the maintenance of her rights, and would exhibit a determination to resist if trampled upon, the North never would perpetrate the great wrong of depriving us of equality in the Union; of preventing the voluntary expansion of our institutions; or worse, of dispossessing us violently of our property, inherited to a great extent from Northern ancestors. In the last letter I ever received from him, but a short time before his death, he expresses in strong terms the earnest and burning desire of his heart to see the Southern States for once united in sentiment, feeling and action.

I say that Henderson was not a disunionist—that he believed the North would not oppress the South, or palpably violate the Constitution if she saw we were united and resolved to resist such wrong; *but if she did*, he could see no fancied sanctity in the word *Union*, when its objects and purposes were forgotten and abandoned. He could not see that we of the South were bound in perpetual fealty to uphold it if it should ever be made the instrument of our oppression and subjugation. He hoped and most fervently prayed, as must every patriot, that it might never be made so. But to say that he desired a dissolution of the Union for the mere sake of its destruction, is a foul misrepresentation of his political opinions, as it is also of those of any man of ordinary intelligence. Putting patriotic considerations entirely aside, no man who is not stupid wants to see the Union separated for the mere sake of breaking up the government. But there are many, very many, who believe that the South is not the inferior section

in wealth, resources, patriotism and intelligence; who are wearied and irritated with the everlasting cry of *sin* of negro slavery; who do not believe that it is a *sin*, morally, politically, religiously or socially; who think that its natural expansion throughout the South and West is the means designed by the Great Creator for the redemption of our rich and uncultivated valleys; who believe that as it exists in the Southern States, under the ameliorating influences of Christianity and Education, it is the normal condition of the negro race; who believe that its existence in its present form, and with its prospects of improvement, is promotive of the happiness of both races, the white and the black; and who are not willing to submit to any measures which have in view, directly or remotely, now or in the future, the crushing out or ultimate extinction of that much abused "peculiar institution." Among such was Gen. Henderson.

And upon questions of this sort, as in anything else, he believed it best to be perfectly candid. He would not equivocate or conceal an opinion he had on any subject; and more especially in regard to matters of so much importance to us and our children. He believed it better, both in justice and policy, to let the North understand precisely where we stood; that we sought no interference with their legitimate domestic affairs, and would permit none with ours; that we were entitled equally with them to share the common territories of the Union, and should insist upon all our rights.

Hence, his boldness in asserting his opinions, and fearlessness in maintaining them, together with his abhorrence for anything like duplicity or political conciliation, if it involved concession of right, may have contributed, in some small degree, to aid the efforts of those who desired to represent him, and all who think with him, as disunionists. But he was not so; he loved this great country, and when called upon was ready as the quickest to draw his sword in her defense; he desired to see *the* Union under *the* Constitution perpetuated to the "last syllable of recorded time;" he desired her prosperity to enlarge, and her influence to expand until she could rival the proudest powers of the earth; but he ardently desired, meanwhile, that in the fruition of her greatness his native and beloved South should have no brand of inferiority fixed upon her.

It is furtherest from my desire to wake a partisan spirit upon this solemn occasion. But I appeal to Henderson's friends per-

sonally—to those who knew the man—to Texians, irrespective of political party names—to Southern people everywhere, from the valley of the Potomac to the valley of the Rio Grande—to ask themselves the question, if we do not need more such men as he and his compeers? It is *possible* that their counsels may be wrong, and that I may be wrong in thinking them right. But has not the policy of concession and compromise been pursued ever since the unfortunate agitation of the question, which has kept up a hostile feeling between the North and South; and how much brighter is the prospect of our being allowed to repose in the quiet enjoyment of our rights, property and pursuits than forty years ago it was? They only counselled us to caution and watchfulness, and no man can speak truly and say that these will do us harm. The surest way to prevent oppression is not to give to any who may desire to do it the power to oppress you. A distinguished Southern senator who still lives while recently expressing high hopes and patriotic desires for the perpetuity of our glorious Union, has said that we should “mark time and be ready under any circumstances or terms to act promptly in resisting any actual interference with our rights.” And at this important and solemn period when Rusk, Butler, Quitman, who may be aptly styled the “Iron Duke” of the South, and Henderson—all ardent, and as admitted by all, *honest* friends of the South—have just passed away, does not the respect for their memories, the light of past experience, a just regard for our own rights, and love for our children, and the land which must be their home, impel us to pause above the graves of these distinguished patriots and inquire if there is not much wisdom in their opinions, and much sound policy in their candor and boldness in expressing them?

To my Masonic Brethren I have much pleasure in saying that our Brother Henderson was a devoted friend and patron of our Order. He was somewhat later in life in forming a connection with our Fraternity than is usual, but for this his reasons were entirely satisfactory. He always admired the principles and objects of the time-honored society; he always believed it a friend to virtue and promotive of the good of man. But in the earlier days of Texas, owing to the promiscuous character of our inhabitants, it is lamentably true that many unworthy men became

connected with us, with whom not only good men not Masons refused to associate, but with whom also Masons from the older States refused to fraternize. This evil time soon remedied. General Henderson was made a Master Mason in Red Land Lodge, No. 3, in December, 1852. There are present several Brothers who with me participated in the ceremonies of his initiation, passing and raising, and they will well remember the very solemn and favorable impression made upon his mind by our ritual. He expressed himself gratified with our organization, and to the day of his death was a zealous and faithful craftsman.

Must anything be said of Gen. Henderson as a neighbor and friend to those among whom he lived for sixteen years? This large assembly, who have come out to lay garlands of friendship on his tomb, attest how much he was beloved. The noble and generous qualities of his heart were more fully drawn out in the ordinary transactions of private life. His purse, his example, and his influence encouraged every measure of public improvement, and promoted every enterprise of benevolence. His kindness to the poor, and his sympathy for the distressed, are proverbial among the citizens of San Augustine county. It was universally known that his professional services could be had in behalf of a meritorious cause, or an injured or oppressed client, "without hope of fee or reward." I shall not soon forget with how much emotion a venerable and worthy citizen of Rusk county described to me one of his speeches in defense of a poor and friendless orphan boy who had been indicted for an aggravated assault upon a man who had calumniated the boy's mother. Said he, "Never—and I have frequently heard him—have I heard Henderson make such a speech; the court house was filled to overflowing, and among all present not a heart was free from feeling, and hardly an eye was free from tears."

To sum up in brief the imperfect sketch of the life and public services of General Henderson which I have attempted to give to-day, two features are plainly discernible as the chief and controlling elements of his character. They are *the integrity of his purposes*, and *the practicality of his mind*. No "Roman Statesman," "in the happiest days of the Republic," no citizen, public or private, in any land, was ever more conscientious in his opinions, or more honest in his practices. There are those who have gone further in

analyzing abstractions, who have made further explorations in the fields of science, who have made deeper researches into the tomes of history and literature, who have wasted more time in the regions of poetic fancy, but there are few who have done more in promoting the practical, actual good of society than Henderson. Everything he said or did had some immediate practical end in view. If he made a speech at the bar, it was to gain his client's cause; not to enrapture or amuse the jury. If he proposed or advocated a change in legislation, it was to effect some *real* good, to remedy some present evil. If he espoused a political measure, it was to uphold some important right, or redress an actual or impending wrong. In nothing was his practicality more manifested than in his speeches, of which I have thus far said nothing. He was eloquent, as every one felt and knew who heard him. But his speeches were not modeled after treatises on rhetoric, or conformed to any arbitrary rules of elocution. He spoke as he felt. All who heard were impressed with his sincerity. It was the eloquence of truth in his speeches which carried all his hearers with him. He did not deal in far-fetched expressions or unnatural figures. The humblest man who heard him understood what he was talking of, while the most learned wondered that he had never before perceived the power of plainness of language, and simplicity and clearness of style.

His aged and venerable colleague in the senate never spoke more truly than when he said, "He was a bold, enterprising spirit; a man of indomitable will, of daring enterprise, and firm of purpose."

Texas may be justly proud of Henderson. When all her sons shall be as faithful to her interests, as conscientious in their views of public duty, as observant of all the requirements of a private citizen as he, we shall reach a degree in prosperity hitherto unattained. Young men of Texas, let me commend you to the imitation of his virtues and his industry. It is not often that you see a man no older than he, who has filled so many stations of trust and confidence, or who has arrived at such a high degree in the admiration and respect of his countrymen. No man labored more intensely than he at whatever he undertook. All of you may not be able to become his equal intellectually; but you *can* devote *all* of your energies and abilities, honestly and faithfully, to whatever of life's duties may fall to your share; and if you do this, you will not

fail to accomplish much that will be useful to yourselves and the age in which you live.

“Lives of great men all remind us
We can make our lives sublime;
And departing, leave behind us
Footprints in the sands of time.
“Footprints that perhaps another,
Sailing o’er life’s stormy main,
A forlorn and shipwreck’d brother,
Seeing, may take heart again.”

The last hours of Gen. Henderson were calm and peaceful. To some of his friends around his bedside he said, substantially, that though he had made no ostentatious profession of religion, yet that he had felt it in his heart.—But amid the love of his friends and his countrymen, the respect of his peers, and the sorrows of his family, he has passed away. How forcibly does his death teach us “what shadows we are, and what shadows we pursue!” He had just arrived at a position where his talents would have been most useful to his country; he was at the very culmination of his honors. Yet, death, relentless, spared him not. While the very necessities of human existence *will* consume much of our time, should we not be taught by this solemn admonition, to employ some of it in preparing to meet the messenger, who may come “at an hour when we least expect him?” While we are paying worthy honors to the memory of our departed friend and brother, let it be a useful lecture to us, who survive him, on the uncertainty of human life, and the mutability of human pursuits. Death has recently been busy with the great conservative patriots of our country. Senators, diplomatists and jurists have been stricken down to the level of the tomb. While we mourn their loss, and pray for direction from Heaven in the choice of their successors, let us not forget the lesson their death so impressively teaches:

“The boast of heraldry, the pomp of power,
And all that beauty, all that wealth e’er gave,
Await, alike, the inevitable hour,
The paths of glory lead but to the grave.”

SIEUR LOUIS DE SAINT DENIS.

REV. EDMOND J. P. SCHMITT.

One of the most striking figures on the stage of early Texas history, undoubtedly, is the Sieur Louis de Saint Denis, called Huchereau de St. Denis for the first time by Yoakum in his *History of Texas*.

The writer of these lines had for ten years been investigating the career of the Sieur Louis Juchereau de St. Denis, the founder of Poste Juchereau on the Wabash (or lower Ohio) river, when he came across the aforementioned statement in *Yoakum*.

From the collation of *documentary* evidence I am led to believe that the Sieur de St. Denis who plays such an important and interesting part in early Texas history is confounded by the writers on this topic with Juchereau de St. Denis; for, not once in all his correspondence does the Texas St. Denis sign himself Juchereau (or Huchereau), nor is there a single piece of documentary evidence to bear out the assertion that he bore that name. For, though *Yoakum*, in his *History of Texas*, calls him Huchereau, and quotes in evidence the *Testimonio de un Parecer*, from the *Archives of Bexar*, the original document as reprinted in the *Appendix* calls him Don Luis de San Denis.¹ All subsequent writers on the subject, such as French in his *Historical Collections of Louisiana and Florida*, Sidney Lanier, H. S. Thrall, John H. Brown, have failed to produce or quote any authority for the name of Huchereau.

When Anthony Crozat obtained the charter to farm the revenues of the Province of Louisiana, he directed the newly appointed Governor of the Province, Lamothe Cadillac, to establish a trade with Mexico. To carry out these orders he selected Louis de St. Denis, who had been an efficient officer in the French colonial army, but having failed to receive any salary, had retired to his plantation (of Ile St. Jean). Pursuant to the orders of Governor Cadillac, St. Denis set out from Mobile to Natchitoches, where he

¹H. Yoakum, *History of Texas*, pp. 47, 49, 390, Vol. I.

left "a few men to form a settlement. With twelve men and some friendly Indians," says Yoakum, "he continued his journey, and in August, 1714, reached the mission of St. John the Baptist on the Rio Grande. They were received with hospitality by Villescás, the commandant of the post; and, making known the object of their long journey, were requested to wait till their business was communicated to Don Gaspar de Anaya, the Governor of Coahuila, and an answer returned. The Governor, for reply, sent a guard, who seized St. Denis and Jallot, his friend and surgeon, and conveyed them to the capital of the province! Here they remained in prison till, by the order of the viceroy, they were conducted to Mexico, and there imprisoned. At the end of six months they were released, or, as some say, escaped, and after two years returned to Mobile, the then capital of Louisiana. St. Denis having courted and married the daughter of the commandant of the mission of St. John, it is likely that he made arrangements for smuggling. The influence acquired by St. Denis over the Texan Indians was considerable; and when the Spaniards under Ramon, the uncle-in-law of St. Denis, established themselves at Adaes, the Indians were alike friendly with them. This all goes to sustain the assertion of Du Pratz, that the Spaniards were introduced there by St. Denis for illicit trade."²

The subsequent history of St. Denis is related by *Brown*, in his *History of Texas*, in the following words:

"It has been said that he had great magnetic power. This was acknowledged to a wonderful degree by the Indians. He had been appointed to command the fort at Natchitoches, and was brought in contact with them far and near, and could at any time on short notice command the willing services of 6000 or 7000 warriors.

"The Natchez particularly feared him, and after the massacre of the French settlers in Louisiana by that tribe on the 28th of November, 1729, the chiefs, believing that he would collect his friendly Indian forces and exterminate them, sent 200 warriors to entrap him. These, upon arriving near the fort (garrisoned by 30 soldiers) were discovered by the guards. The Natchez warriors sent a delegation to him, addressing him as 'big chief,' and begged him

²Yoakum, *history of Texas*, pp. 47, 48, Vol. I.

to make up the quarrel between him and the French. As proof of their desire for peace they proposed to surrender to him a French woman whom they had long held a prisoner. To this St. Denis agreed, stipulating only that but ten warriors must come within the fort to surrender the woman. The Indians retorted that to refuse to receive them all showed a lack of confidence in them that they did not deserve. He persisted, and ordered them to instantly surrender the prisoner, for whom he promised to pay a ransom.

"The Natchez, suspecting the real condition of the fort, thereupon began fortifying their camp, and erected in front of their tents a funeral pyre, upon which they bound the woman. St. Denis hastily sent messengers to his friendly Indians, and with twenty men from the fort at once made a furious attack upon the Natchez. At the first onslaught all of his men but eight were killed. For two hours he fought against desperate odds, hoping that reinforcements would arrive. 'He was seen,' says an historian of the time, 'springing like a lion among the crowd of warriors, forcing them back. He looked like an angel of vengeance accomplishing his work of destruction, invincible himself in the terrible fray. He fell at last, hit by three bullets in the head and two arrows in his breast.' There were but two survivors. The Natchez ceased firing and retired."³

In spite of these statements, St. Denis was still living five years later, for on Christmas day, 1735, he writes to the lieutenant general at Adaes, the ensign Joseph Gonzales.⁴

My chief object in presenting these thoughts to the notice of investigators of Texas history was to open the question as to St. Denis' identity to discussion and investigation, and by this means to arrive at a solution of the question. The chief point to be borne in mind, is to find *Documentary Evidence*. Flashes of intuition may brighten up the pages of history; they will seldom be the truth. And yet, if history is to be investigated and studied from a scientific point of view, truth must be the ultimate result sought for in our researches.

³John H. Brown, *A History of Texas*, pp. 18, 19, Vol. I.

⁴Pierre Margry, *Découvertes et Etablissements des Français dans L'Amérique Septentrionale*, p. 238, Vol. VI.

The facts relating to Louis Huchereau de St. Denis are embodied in an article published by the author several years ago.⁵

In the fourth chapter of his history, *Dillon*, the father of Indiana history, says: "The wars in which France and England were engaged, from 1688 to 1697, retarded the growth of the colonies of those nations in North America; but soon after the peace of Ryswick, Louis XIV determined to send a large number of colonists to Louisiana, and to maintain garrisons among them, for their protection. Lemoine D'Iberville was appointed Governor of Louisiana, and M. de Bienville was commissioned as lieutenant-commandant of the province. Under the direction of these officers, a number of adventurers emigrated from France, in 1698; and, in the course of the succeeding year, formed a settlement at Biloxi, on the northern shores of Lake Borgne, between Mobile Bay and Lake Pontchartrain.

"The early efforts which were made by France to establish colonies in the valley of the Mississippi, from Canada to the Gulf of Mexico, excited the jealousy and roused the fears of the English statesmen of those times. In the year 1698, Dr. D'Avenant, inspector-general of the customs, published some discourses on the public revenues and trade of England. In one of these discourses he said: 'Should the French settle at the disemboguing of the River Mississippi, they would not be long before they made themselves masters of the rich province, which would be an addition to their strength very terrible to Europe, but would more particularly concern England; for, by the opportunity of that settlement, by erecting ports along the several lakes between that river and Canada, and they may intercept all the trade of our northern plantations.'

"During the period that elapsed between 1700 and 1712, the hostility of the Five Nations, or Iriquois confederacy, defeated the attempts which were made by the French to establish trading posts in the regions which lie adjacent to the southern shores of Lake Ontario and Lake Erie; but, in the month of June, 1701, Antoine de Lamotte Cadillac, accompanied by a missionary and one hundred men, left Montreal, and, in the month of July, arrived at the site of Detroit, where the party formed a permanent settlement.

"As early as 1705, Louis XIV invested Lamotte Cadillac with power to grant, or concede, the lands about Detroit, in small lots, to actual settlers."⁶

⁵Edmond J. P. Schmitt, *The Catholic Story of Indiana and the founding of Vincennes*: in four numbers of the *Catholic Record of Indianapolis, Indiana*.

⁶John Dillon, *A History of Indiana*.

It was the idea of France to withdraw all the Indians from the influence of the English, who were encroaching on the western territory; and, for the same reason, France did not strive to establish any posts along the Ohio or the Wabash. The route to Louisiana lay almost along the lines of Father Marquette's original return voyage of discovery from Michillimackinas to Dakansea. Penicaut, who lived for twenty-three years in the lower colony [1698-1722], writes, in 1700, that the Ohio leads to Canada, but that it is by the Illinois that one goes to Canada. The subsequent establishment of a post at the mouth of the Ohio, or Ouabache as it was then called, and the descent of the Sieur Juchereau by the above route confirm this statement; while among the many documentary relations, published by *Margry* and others, we learn that this was invariably the route chosen from which they set out on their western discoveries, either from Louisiana or the Upper Province. Henri de Tonty, who had accompanied La Salle in his exploration of the Mississippi, had already demanded a concession of the Arkansas country, and the government of a post on the Wabash.⁷

In a letter to Jerome Pontchartrain, dated Paris, 27 February, 1700, the Sieur Juchereau de Saint-Denys writes:

"Monseigneur:—I have the honor to send your lordship the memoirs which you demanded, agreeable to your intentions of establishing a colony on the Mississippi. The last article will show you that the general permission to go there can but augment the revenues of the king, and reimburse him for the expenses of the establishment.

"If, for the execution of this project, your Excellency is desirous of employing my services, I will strive to render my experience useful, and show you that I have not in vain applied myself during twenty years in learning to know what can establish and render a colony flourishing."⁸

Jerome Pontchartrain, in a letter dated Versailles, 4 June, 1701, to MM. de Callieres and de Champigny, announces authorization of Juchereau de Saint-Denys to go to the Mississippi, with twenty-four men:

"The king being favorably inclined towards the enterprise by which he is assured he may profit by the discovery of the Mississippi, has listened to the proposition made by the Sieur Juchereau de Saint-Denys, to establish tanneries there under certain conditions, of which he sends him a copy. His Majesty advises that this establishment give no occasion for any abuse, and that he be exactly

⁷Cfr. *Margry*, *Découvertes*, etc., *Penicaut's Relation passim*, and p. 349, Vol. V.

⁸*Margry*, *Ibid.*, pp. 349-350.

informed of anything that may come to their notice on this subject.”⁹

The Concession itself is dated Marly, June, 1701, worded as follows:

“Concession accorded to the Sieur Juchereau to establish a tannery on the Mississippi.

“His Majesty having accepted of the proposition made by the Sieur Juchereau, lieutenant-general of the jurisdiction of Montreal, of establishing tanneries in the lands occupied by the French on the lower Mississippi, has accorded him the following conditions:

“1. His Majesty permits him to pass from Canada to the Mississippi, with twenty-four men, who may take eight canoes, while he may choose in that colony two trustworthy persons to aid him in the successful issue of his enterprise, deciding that he be, during the period of three years, commissioned to exercise judicial powers at his place, provided he be accepted and approved by the Sieur de Champigny, intendent of Justice, Police and Finances in New France.

“2. In case he thinks it advisable not to go to the Mississippi in person, his Majesty, nevertheless, permits him to send those twenty-four men and two trustworthy persons.

“3. He may take along in those canoes all the tools and utensils necessary to the workmen he may send, and all merchandise of which he may be in need, except rum, of which he shall not carry more than he may need for the Frenchmen in his employ, his Majesty forbidding him to sell any to the savages.

“4. His Majesty permits him to establish tanneries in the places he may deem fit, and for this purpose may also put up all the store-houses and buildings he may need.

“5. He may send during the first three years of his establishment, three canoes each of the three years to Montreal, to get those things of which he may be in need.

“6. To trade and buy all sorts of skins which can be tanned, or raw hides, with the exception of beaver skins, in which his Majesty will not suffer him to traffic, neither directly nor indirectly, declaring him forfeited of all the privileges and conditions, mentioned herein, if he violates his intentions in this matter.

“7. His Majesty also grants permission to work the lead and copper mines, should he discover such.

“8. He shall be obliged to have an almoner, for saying mass and administering the sacraments to his workmen. His Majesty gladly permits that he himself choose the one, but he shall not

⁹Margry, *Découvertes*, etc., pp. 350, 351.

send him before he has been accepted by his lordship the bishop of Quebec, or in his absence by his vicar-general.

"His Majesty commands and ordains the said *Sieur de Callieres*, governor, and his lieutenant-general in New France, and to the said *de Champigny*, to see that this concession be executed."¹⁰

The *Chevalier de Callieres* and *M. de Champigny* wrote to the minister on the 5th of October, 1701, begging that France rather than the colony make this establishment; that the colony of the *Ouabache* be limited, and expressed the fear that the beaver trade, which was one of the chief sources of revenue for Canada, would be drawn into other channels.

"The permission," continued the letter, "which has been accorded the *Sieur Juchereau*, to take from this place to the *Mississippi* twenty-four men in eight canoes, under pretext of there establishing a tannery, will consummate our ruin, since he will not fail to carry away, in going, all the beaver and smaller furs which he may find, and will thus have the better share of the trade of the country at the exclusion of the colony. For, if he had not this design in mind, what reason could he have of carrying merchandise to the *Mississippi* by way of Canada, the expense being enormous, being able to obtain them at much better bargains from the vessels that come direct there from France? Nor does it seem likely that the said *Sieur Juchereau* comes here to seek persons who are fit to go with him to establish a tannery, since those who have establishments in this country are obliged to bring them over from France to work here. Hence it is obvious that they have nothing else in view than the trade in beaver skins and other furs, which at present are the sole income of Canada. In the meanwhile we will follow out the instructions which you have given the *Sieur Juchereau*, and the *Sieur de Callieres* will permit him to depart whenever he asks."

They then requested that the new colony be limited to the River "*Ouabache*," "where our allies the *Miamis* hunt, that we may establish several posts to prevent any one from going by this route to the English."¹¹

In the meanwhile, the directors of the company framed the following petition:

Copy of a request presented to Monsieur the Governor-General of Canada, and to Monsieur the intendant by Messieurs the directors of the company of Beaver-Castors, against the enterprise of the *Sieur Juchereau* for the commerce in leather on the *Mississippi*.

¹⁰*Margry, Découvertes, etc.*, pp. 351, 352.

¹¹*Ibid.*, pp. 356-360.

To Monsieur the governor-general and to Monsieur the intendant:

"The undersigned directors-general of the company of the colony of France, humbly show that they have received information that M. de Juchereau, lieutenant-general of Montreal, has obtained permission from the king to make an establishment on the Mississippi River, and to send there twenty-four men in eight canoes, or to take them with him to establish tanneries and that he may send three canoes to Montreal every year to bring him those things which he may need. On which the said directors most humbly beg to remark that Sieur Le Sueur obtained permission to go to the same place for the discovery of mines, should there be any in those regions. He was forbidden, as is the said Sieur Juchereau, to traffic in beaver skins, which commerce he has now carried on for more than three years, since he received the aforesaid permission, without having done anything at all towards the exploitation of said mines, having devoted himself solely to the traffic in pelts, which he has sent to his correspondents in Montreal. But if the said Le Sueur has caused great hurt by this commerce, the said Sieur Juchereau will cause considerably more, since, leaving Montreal with eight canoes, he will obtain the best bargains in the trade with the savages, buying the better furs, which he will send back immediately to Montreal, if he be permitted, as he is in fact permitted, to send three canoes every year, and if such grants abound, the consequence will be that those who have obtained them will do all the trading. The Sieur de la Forest is evident proof; he was only to trade at the Illinois. But in reality he has a house at Michillimackinac, where he openly trades with the savages at that place and surrounding country, and under pretext of going or sending to the Illinois, he received at Michillimackinac the merchandise, making bargains with those who are in charge before a notary, afterwards he makes his private bargains with them to barter the goods in secret with all the savages indifferently. Thus all these grants will ruin the entire commerce of the country, and will make it impossible for the company to sustain the expense which it must bear to keep the post of Detroit, and to pay the sum of six thousand livres which his Majesty has ordered to be given to the poor families of this country. If the said Sieur de Juchereau says that he will not deal in beaver skins it is not credible that he can keep his promise, since it is too difficult to pass among the nations who have them, without buying them, giving them at the low prices they ask.

"Moreover, it is impossible to know this, on account of the difficulty of employing persons in a country so far away from this place, as they will cost us too much, when they can remain here without any danger of their lives. If the aforesaid Sieur de Juchereau had

nothing else in view than the establishment of tanneries, on the Mississippi, he could go down, as did Le Sueur, in the vessels that go there direct, and which would have carried, and will carry, the men and those things of which he is in need more easily and cheaper; and he need not make a threefold expense, did he not desire to benefit by the trade, and be able to send his beaver skins whither he desires.

"It is these considerations, and many others, that oblige the said directors in order to acquit themselves of their duty towards the Company-general of this country—which relies on them as to those things which regard their business, and who would be entirely ruined by similar grants—beg you to delay the departure of the said Sieur de Juchereau and the said twenty-four men until we have new orders from the court. You will act in justice to have the goodness to inform his Excellency the Count de Pontchartrain of these reasons and those which you fully conceive.

[Signed]

CHARTIER DE LOTBINIERE,
FRANCOIS HAZUR,
GOBIN,
MACART ET PEYRE.¹²

The Sieur Juchereau defended himself against these accusations in a memoir which he addressed to Mme. the Comtesse de Saint-Pierre:

"Some persons have been found in Canada, so jealous of that which Monseigneur de Pontchartrain, at your request, has accorded me, that they insinuate to the people that they should oppose themselves against the execution of the king's order, which I have obtained, to establish the leather trade on the Mississippi, because they have presented a request that my enterprise should be arrested until his Excellency gives me further orders, on the supposition that the commerce in leather which I proposed was but a pure pretext to obtain for myself the largest part of beaver and other pelts that reach Canada, whereas, in order to enjoy the privileges which Monseigneur de Pontchartrain granted me, I was obliged to give in writing:

"First, That I promised under such penalty as they thought proper to impose on me, never to trade in beaver skins, in any manner whatever, nor in any other furs, until I should have reached the place designated by my order.

"Secondly, I signed an agreement that inspectors should be sent with me, who could render an account of my conduct.

"These two articles I willingly signed, because I have always believed that they were agreeable to the intentions of his Excellency;

¹²Margry, *Découvertes*, etc., pp. 363-365.

but, besides this, I am forbidden to make use of the privilege granted by order of the king, to send during the first three years of my establishment, three canoes each year to Montreal.

"You will please to ask Monseigneur de Pontchartrain that he allow me to enjoy the privilege of those three canoes, for should, unhappily, the vessel that is to bring my stores from France be lost in coming to the Mississippi, I would have no other resource than wait 'until such stores were established in this new colony, should the three canoes be prevented from going to or coming from Canada.

"Moreover if my enterprise succeeds, as I have reasons to believe it will, I will be obliged to have my family brought to that place, which I could not do if I had not the privilege of the canoes, since it is most certain that the governor might perhaps never permit me to go back, if I should return: It is absurd to believe that I wish to use the three canoes to carry furs into Canada, since it is so much easier for me to have them sent by vessels on the Mississippi, by which I can also more easily obtain the goods I need, when I can get them there; for, to go to Canada, I will be obliged to make six hundred leagues more than to the vessels coming to the Mississippi, going or coming.

"I must also ask Monseigneur de Pontchartrain, in consideration of the expense I am obliged to undergo, which amounts to more than four thousand livres, to grant me four thousand-weight of fine powder every year, paying him the same price as traders pay the king; but he should have the goodness to order that the powder be sent in the king's ships, to be sold on the Mississippi, where I will pay at the rate noted below."¹³

Accordingly the post was established at a point where the Ohio disembogues itself into the Mississippi. When M. d'Eraque in 1701 abandoned Fort Huillers, and with his party returned to Mobile, he met at the Ouiconsin, M. de Juchereau, whom Penicaut in his *Relation* styles "lieutenant-criminel of Montreal in Canada." He was accompanied by thirty-five men, and the entire company descended to Illinois.

In the *Relations des Affaires du Canada* (1606-1702) is a letter of P. Gabriel Marest, S. J., to Father de Lamberville, wherein he says: "M. de Juchereau takes with him P. Mermet. Since I understood that M. de Pontchartrain has this establishment much at heart, I have rendered M. Juchereau every service in my power, and accompanied him to thirty leagues from my village, to find Ronsa, the place where he will spend the winter, and to make the attempt to assemble the Illinois at Ouabache; but there are many obstacles, and I think they will have trouble to come to a result.

¹³Margry, *Découvertes*, etc., 366-368.

M. de Juchereau makes too great promises, but he believes his undertaking will be successful. The father who is with him is not altogether satisfied; he is neither missionary, there being no savages under his care, nor almoner, having no salary. At the same time, he has no one to assist him in his need. The only documentary trace of Father Mermet's labors there is what the letter of Father Marest, dated *Kaskaskia*, 9 November, 1712, contains:

"The French had come to establish a fort on the river *Ouabache*: they asked for a missionary and the Pere Mermet was sent to them. This father thought he should also labor for the *Mascoutens*, who had made a village on the banks of the same river: they are a nation of savages who speak the Illinois language, but by the extreme attachment they have for the superstitions of their charlatans, they are not well disposed to listen to the instructions of the missionary." This was a band of the *Mascoutens*, drawn to the mouth of the Wabash by Lemoyne d'Iberville, when in his memoir of 1702 he recommended the occupation of the Illinois country by the *Mascoutens* and Kickapoos. Father Charlevoix who passed the spot in his voyage down the Mississippi, refers to it as follows: "The labors among the *Mascoutens* met with less success. The Sieur Juchereau, a Canadian gentleman, had begun a post at the mouth of the Ohio, which empties into the Mississippi, constituting the shortest and most convenient communication between Canada and Louisiana, and a great many of the Indians had settled there. To retain them, he had persuaded Father Mermet, one of the Illinois missionaries, to endeavor to gain them to Christ: but that missionary found an indocile tribe, excessively superstitious, despotically ruled by medicine men." Then he relates the anecdote following, as told by Father Marest in the above letter. "The way he took was to confound, in the presence of the whole tribe, one of these charlatans whose Manitou, or Great Spirit, which he worshipped, was the buffalo. After leading him on, insensibly, to the avowal that it was not the *buffalo* that he worshipped, but the Manitou, or *Spirit* of the buffalo, which was under the earth, animated all buffaloes, and healed the sick, and had all power, I asked him if either beasts, the bear, for instance, which some of his nation worshipped, was not equally inhabited by a Manitou which was under the earth." "Without doubt," said the Indian. "If this is so," said the missionary, "men ought to have a Manitou which inhabits them." "Nothing more certain," said the Indian. "Ought not that to convince you," said Father Mermet, "that you are not very reasonable? For, if man, upon the earth, is the master of all animals—if he kills them—if he eats them—does it not follow that the Manitou which inhabits him must, necessarily, have a mastery over all other Manitous? Why, then, do you not invoke him, instead of the Manitou of the buffalo and the bear, when you

are sick? This reasoning," continues the missionary, "disconcerted the charlatan; but this was all the effect that it produced."

"A pestilential malady soon broke out among the Indians who were settled around this new post; and notwithstanding the kind offices of the missionary, they died in great numbers. With a hope of arresting the progress of the fatal epidemic, the Indians determined to make a great sacrifice of dogs." Forty of these poor animals, innocent as they were of the cause of the epidemic, to satisfy their suspicious Manitous, were immolated and carried on poles, in solemn procession round the fort. While the procession was moving, the jugglers were uttering exclamations, which, as recorded by Father Mermet, were as follows: 'Manitou of the French! do not kill us all! Softly—softly there! Do not strike too hard. Spare us, else we all die!' Then turning to Father Mermet they would say: 'Oh, Manitou! truly thou hast life and death in thy sack. Keep in death, and give out life.'"¹⁴

In the autumn of 1702 M. Juchereau sickened and died. M. de Saint-Lambert, who was at the fort, wrote to M. de Bienville, announcing the death of their leader; he asked what should be done with the merchandise which M. Juchereau had amassed. In answer M. Bienville sent a canoe and six workmen who were to construct canoes for him, and bring down all the goods and the thirty-five persons: After having finished the canoes they freighted them with more than twelve thousand buffalo hides, which they brought to the establishment of M. de Saint-Denis. M. de Saint-Lambert then descended to Mobile with thirty men, having left the others at the fort with M. de Saint-Denis.

¹⁴Dillon, Indiana.

SOME OBSCURE POINTS IN THE MISSION PERIOD OF TEXAS HISTORY.

WALTER FLAVIUS M'CALEB.

The history of Texas for more than a hundred years after the coming of the French is fragmentary and unsatisfactory. The casual reader can not have failed to be impressed by this fact, while the student discovers long lapses and obscurities in the story. The object of this article, then, shall be to point out a few of the gaps which exist in our knowledge of the century. The period which properly falls within our scope is marked, in a way, by the subject of this article; but, a little more definitely, it may be said to begin with the landing of La Salle in 1685 and to close with the secularization of the principal missions in the province in 1793.

The first narrative we know which tells of Texas reads like the wildest fiction. There is something pathetically romantic in the fateful coming of the Chevalier de La Salle and the little French colony to our coast; there is something strangely fascinating in the struggles of the Franciscan fathers to bring the red men to Christ. The halo of romance which surrounds this period is due in a measure to the meagerness of our knowledge concerning it. Little has been done to bring out of the archives of Bexar, Monclova, Chihuahua, Querétaro, City of Mexico, and Madrid the facts which would give us an accurate historical picture of the time. Until this is done, we must content ourselves with what we have of its history.

When La Salle anchored in the Espiritu Santo in 1685, he found himself in a land, which had been explored to be sure, but which had no civilized inhabitant; and with the erection of Fort St. Louis arose the dispute over the possession of Texas, to which the United States became a party by the purchase of Louisiana, which came so near precipitating a war with Spain, and which made possible the designs of Aaron Burr. The question was altogether unsettled till 1819, and indeed it finally did involve us in an unjust war with Mexico, which ended only with the treaty of Guadalupe Hidalgo. The matter now, so far as we are concerned, is settled,

and Mexico, though displeased, has come to look upon it in the same light.

There were, moreover, other consequences attendant upon this entry of the French; not directly, it may be; but all indirectly traceable to this one event. The entire life of the State has felt its influence. In the first place, the occupation of the country by Spain was thereby brought about. Indeed, it is possible that except for the French occupation of a day, as it were, Texas would have remained destitute of Europeans for scores of years. The lasting effect of it all is seen to-day in the laws, the institutions, the language left for our eternal heritage.

It is scarcely necessary to state how the French colony came to an end; the story is too well known to bear repetition. Perhaps I should say stories; for the truth is, more than one have appeared in print. But the generally accepted version is that through disease and conspiracy the colonists melted away, and that finally the tomahawk silenced the last soul in the miserable Fort of St. Louis. The other side is inclined to aver that the Spanish knew something of how the last Frenchman died. Doubtless the latter view has for its basis the several expeditions known to have been dispatched by Mexico in search of the French. How many there were and what they accomplished, the world is left yet to conjecture. Some were by sea and some were by land; but it was not till April 22, 1689, that a Spanish force¹ under Gov. Alonzo de Leon of Coahuila reached the blackened and deserted spot which had witnessed the rising and the setting of the French dominion in Texas.

It may seem a little strange that only with the coming of La Salle were the Spaniards brought to realize the fact that Texas, a country first sighted and explored by sons of Spain, might be lost to them. From this event, however, is reckoned the inception of the plan for the occupation of this territory, so fair with its meadows and hills and so peaceful with its kindly red men. De Leon's glowing report of the country, together with that of Padre Manzanet—who must be remembered as the father of Texas missions—concerning the friendly Indians, caused the viceroy, Galve, to consider the question of sending out a company to settle the land. Just at this time of indecision the report came that the French

¹Bancroft, *North Mexican States and Texas*, Vol. I., pp. 399, 400.

from Louisiana had entered the territory of the Tejas Indians, and quickly was the viceroy brought to a conclusion.²

In the spring of 1690, a party consisting of about one hundred persons, with Gov. de Leon in command, set out for the region of the Tejas for the express purpose of erecting a mission. To this end three Franciscan friars under Father Manzanet accompanied the expedition. From Mexico they marched to the east till the Trinity (*Trinidad*) was crossed into the land of the Tejas. June 1, 1690, *Te Deum Laudamus* was chanted in the first mission. It was named San Francisco de los Tejas, in honor of St. Francis d'Assisi, the founder of the order of Franciscan friars.³ A little later another mission was established. It was known as Santa Maria. Two years later San Francisco was abandoned, never to be re-occupied. This is an exceptional case. Often, indeed, missions were abandoned, but in most cases sooner or later the friars returned to their labors.

It is through this short occupation, however, that we are to account for the origin of the name Texas as a territorial designation. It has worried some of our historians to explain this name, and in the explanation of it several ingenious stories, more or less romantic, have been invented. It is hardly worth while to mention these. The true explanation seems to lie in the fact that the Spaniards having applied the term *Tejas* to the original settlement made among the Tejas Indians, which was for many years the central point in the province, it came eventually to mean the whole region.

Before we proceed further, a few words on the general scheme of the Spanish occupation may not be out of place. What was its nature? There seems to be prevalent a sort of half defined assumption which makes the presidio or fort the initial step in the occupation, the missions following naturally thereafter. Nevertheless,

²Bancroft, North Mexican States and Texas, Vol. I., p. 401; Manzanet's Letter to Don Carlos de Sigüenza y Gongora, MS., Agricultural and Mechanical College, College Station, Texas.

³Manzanet's Letter; Villa Señor, *Theatro Americano*, II., 324; Bancroft, North Mexican States and Texas, Vol. I., p. 611, quoting Ramon, a note. Yoakum (*History of Texas*, Vol. I., p. 45) has missed the truth in stating that the mission was erected on or near the old French Fort St. Louis. Thrall (*Pictorial History*, Ch. III.) says no building was erected. He also missed the location. See Kennedy's Confusion (Vol. I., p. 218).

this opinion, sanctioned as it is by some writers, can not be maintained in the face of facts. The truth lies undoubtedly on the other side; that is, the mission was located first, then the presidio was established for its protection. The manuscripts which deal with these matters, so far as the writer has been able to observe, in every instance speak of the founding of the church or mission, and then naturally of the fort.⁴ Indeed, so true is this, when a mission was moved to a more favorable locality, which often happened, the fort was also moved. This was the case with Espiritu Santo; this was true when the Xavier missions were merged into the ill-starred San Saba;⁵ and, finally—to emphasize the subordinate place of the presidio—when the missions in the eastern part of Texas were removed to the San Antonio river, the presidio in the original Tejas was suppressed.⁶ But, after all, the church and the fort went together—a double purpose was to be subserved, and this must not be lost sight of. The *infieles* were to be converted and the country held for Spain. However, it was to the mission in the first place with its nucleus of converted Indians (*Indios reducidos*) that the grasping Spaniard looked for his abiding hold on the soil.

The year after the founding of San Francisco de los Tejas, Teran with a considerable force was sent out from Mexico with orders to establish eight missions. He penetrated the province of Texas as far as the first settlement, but whether or not he fulfilled his directions we do not know.⁷ It is probable, however, that no settle-

⁴Manzanet's Letter; Altamira, Testimonio de un Parecer, MS., 1744, State archives. On Refugio, the last mission, see Letters of José Mariano Garza, Gov. Muñoz, Mariano Rodriguez, MSS., Bexar archives.

⁵After the destruction of San Saba by the Indians, it was urged officially that the presidio of Amarillos, which protected, or rather which was to have protected the mission, should be abandoned, since it served no further purpose. (See Viceroy Amarillo's Letters, MSS., 1758, Bexar archives.) As a matter of fact, it was not abandoned until some years later, serving first as a base of operations against the hostile Indians, and doubtless later as a protector to some missions of which we shall have more to say.

⁶Bonilla, Brevo Compendio. See also, Spanish Missions in Texas, p. 44, Library State University, Austin, Texas.

⁷Altamira (cited above), one of the most trustworthy of our sources; John Gilmary Shea, Catholic Missions in America, Ch. V.; and Yoakum,

ments were made; for, indeed, no ruins have been discovered, nor yet have the names been preserved, and finally the records of the time breathe no word as to their existence.

In 1693 the missions which had existed in the province were deserted. The causes which led up to this may, in the main, be attributed to the outrages committed by the vicious soldiery. Father Manzanet tells us as much, and it was the same curse which hounded the missionary movement to its death. After this desertion of the province, there followed a period of twenty years in which no light burns. What took place of interest to us during that time, we know not. We can only believe that the wild tribes drove as madly in the chase as when the century was young and fought as fiercely. But in strange contrast to this we must think that over next the setting sun, when the dusk was in the wounded eyes of some red man, a wandering Franciscan would kneel to invoke a blessing of the one Father. Besides these restless, devoted friars, no civilized foot broke into the confusion which reigned as unbridled as in the primal age.

The Franciscans clamored for a re-occupation of the country with all the eager earnestness manifested by the Crusader in his cry for the redemption of the Holy Land.⁸ Indeed, the same spirit which moved the Crusader to pawn his life in battle for the Holy Sepulchre, urged the Franciscan, barefoot and with the knotted scourge fastened to his waist, into unknown wilds where dwelt the savage men whose souls were to be saved. But the government was deaf, and the time ran on. We are unable to say how long this chaotic state of affairs would have existed in the province had the French not begun operations in Louisiana in 1713. The fact remains that nothing was done by the Spanish government toward the re-occupation till the news reached the viceroy that a French expedition under St. Denis had marched from Louisiana to the Rio Grande, across the whole of Texas. St. Denis was arrested, but to this day the object of his journey has not been determined beyond dispute.

History of Texas, Vol. I., pp. 45, 46, say that settlements were made. On the other hand, Bancroft, *North Mexican States and Texas*, Vol. I., p. 404, would indicate a contrary opinion.

⁸Altamira, *Testimonio de un Parecer*; Bancroft, *North Mexican States and Texas*, Vol. I., p. 405.

The Spanish viewed it in the light of French aggression and acted accordingly. But the fact seems to be that it was undertaken largely for the purpose of establishing commercial relations with the north of Mexico.

The lethargic Spaniard was aroused and now set about the founding of missions and presidios on a large scale. Indeed, this was the culminating period of the movement. During the seven years succeeding 1715 there were founded no less than nine missions. Of these, six were located in the territory adjacent to the Neches and Sabine rivers. They were, to be sure, in the basins of these streams, —but *where* in the basins?

Here, truly, we are brought face to face with one of the vexatious aspects of our history. The geography of the period is almost as darkly uncertain as is the story. It is only by patching together this bit of information and that, that we are able, with any degree of accuracy, to construct a map of this time.⁹ The mission buildings in the eastern part of Texas were largely of wood, and therefore, when abandoned, fell speedily into decay, leaving no trace behind to aid in the identification. Quite in contrast to these were the missions on the San Antonio river, some of which still, after a century and a half of bitter conflict and disaster, rear their deserted spires into an atmosphere warm with the sunshine, but coldly neglectful. Though little is known of most of the eastern missions, still less is known of some others. Indeed, as to the three missions which were located on the San Xavier river, no historian, so far as the writer's information goes, save Bancroft, has even mentioned their names. Even Bancroft speaks vaguely of their location.¹⁰ However, the Xavier river, as such, is unknown. The name

⁹As to the method employed, a single illustration will suffice. Take San Francisco de los Tejas. It was something more than a day's journey to the east of the Trinity, not far from the Neches, and about nine leagues to the northwest of Mission Guadalupe at Nacogdoches. (Villa Señor, *Teatro Americano*, II., 324; also Bancroft, *North Mexican States and Texas*, Vol. I., p. 611, quoting Ramon, a note.) Now knowing as an absolute fact that modern Nacogdoches is on or near the original site of Guadalupe, we are able to locate pretty satisfactorily the first mission.

¹⁰*North Mexican States and Texas*, Vol. I., p. 623. For location, see map in library Historical Society, Galveston; Thoribio Urrutia, Letter, MS. Bexar archives; also Appendix to *Spanish Missions in Texas*, cited above.

it bore when the Indians thronged its banks has been transformed in this later time. And there are other such instances. Mission Nuestra Señora de la Luz,¹¹ situated on the Trinity near the coast, was long unknown. It entirely escaped Bancroft. But of it, we hardly know more than that it existed in the middle of last century. As a matter of curious interest, it was from de la Luz that Padre Anastasio Romero wrote,¹² May 3, 1758, that it was desirable to leave the place on account of the malaria, *Indios bravos*, and an insufferable plague of flies.

But to turn now to the western part of the province, we shall see that still greater confusion exists. Even the Alamo is not free from a haze which surrounds its beginning.¹³ This obscurity is largely due to the fact that it was not located originally where it stands to-day. This was true of many missions.¹⁴ Indeed, there was hardly a one which enjoyed a continuous existence on the same spot. It was either being shifted about the country in name;—which, aside from the paraphernalia and some squads of Indians, was all that was transferred—or else, it was suffering from internal dissensions, Indian raids, scarcity or entire absence of neophytes, or what not.

But with regard to the mission establishments themselves in the west, it is plainly evident that there are some important revelations yet to be made. There are ruins in various parts which attest undeniably Franciscan occupation. But of these in particular we shall have little to say. It is sufficient to mention two sites. The first is in Edwards county on the Nueces river, and the ruins, which the writer has had occasion to survey, are unquestionably those of a mission. The outlines of the building and the trace of the *acequia* are still evident. Higher up in the mountains in Menard county,

¹¹See Spanish Missions in Texas, pp. 40, 41, with notes.

¹²See Yoakum, History of Texas, I., Appendix by Giraud; also Bancroft, North Mexican States and Texas, Vol. I., 614.

¹³Letter, State archives, Austin, Texas.

¹⁴Take for instance Concepcion, San Juan, and Espada. These were located at first in the Neches country, but, in order to be of more service they were transferred to the San Antonio river in 1731. (Bancroft, North Mexican States and Texas, Vol. I., p. 615; also Bonilla, Brevo Compendio.)

and not many leagues from San Saba, now crumbled into dust, is another ruin. The acequias are being used today by farmers, just as are those of the old missions along the San Antonio river.

There is no question as to the fact of the existence of these ecclesiastical establishments; but there *is* a question when it comes to the identification. Bancroft (North Mexican States and Texas, I, 629) makes, it seems, the only endeavor in this direction. He gives San Lorenzo and Candelaria as the names of two missions founded among the Apaches.¹⁵ Since the Apaches ranged along both the Nueces and the San Saba, in all probability these old sites were the Missions San Lorenzo and Candelaria. But which was San Lorenzo and which Candelaria?

After all, we are able to say that there were *nineteen distinct* missions¹⁶ founded within the boundaries of Texas during the century known as the Mission Period. It will be observed that this enumeration counts each establishment only once. The fact that it bore different names at different times and enjoyed existence in more than one locality, has not entered into the record.

It will have been observed, as before indicated, that the first hundred years of Texas history is nothing more nor less than the story of the Franciscan occupation. Indeed, were this fuller history written, we should know more of the several Spanish expeditions;

¹⁵But he errs decidedly in saying that these were probably located on the upper San Antonio river. It is to be presumed that this mistake came from a wrong conception as to the length of the river in question. His map (North Mexican States and Texas, Vol. I., p. 612) makes the river extend some leagues above the city of San Antonio, which is incorrect. (Kennedy, Texas, I., 48; Corner, San Antonio de Bexar.)

¹⁶There were four pretty clearly defined periods or waves of mission founding. They are, with the missions which properly fall under them, as follows:

1. (1690-93) San Francisco de los Tejas; Santa Maria.
2. (1715-32) San Antonio de Valero (Alamo); Nuestra Señora de la Concepcion de Acuña; San Jose de Aguayo; San Juan Capistrano; Espiritu Santo de Zúñiga; Guadalupe; Nuestra Señora de los Dolores; San Miguel de Cuellar; San Xavier de Nagera (?).
3. (1747-1762) San Xavier; Candelaria; San Ildefonso—the three Xavier missions; Rosario; Nuestra Señora de la Luz; San Saba; Candelaria; San Lorenzo.
4. (1792) Refugio.

more of the life of the missions; more of the Indian tribes, their wars, and their truces with the missionaries; and finally, more of the last scene in the life of the missions in which was read the Secularization Act. We should see that the zealous friars did not all desert their flocks when the curtain was rung down; but that some of them remained and ministered like true disciples till the Anglo-Saxon came sweeping the red men before him.

From the nature of the limitations of this article, many things which interest, and in fact fascinate, the investigator have to be passed over in silence. For instance, no mention has been made of the massacre of San Saba which occasioned the dispatching of the troops under Parilla to *Islas Blancas* in 1759. Yet we know so little that the very tale of the march of the army of five hundred to *Apacheria*,—the conflict, the panic and flight, exists as hardly more than weird and stirring romance. Again, in 1719, when the French drove the Franciscans from East Texas, their after actions with regard to the Spanish settlements are unexplained. Furthermore, we have some information which shows that other French expeditions were sent later into the eastern region. Then, also, the mission life is a topic which might engage one through a considerable space. To follow up the daily routine of a mission through its existence would require a detailed description to which the modern practical mind might accord no hearing; but to him that can sympathize with the spirit of the past, these things are all full of inexpressible charm.

In the year 1793 the more important missions were secularized. That is to say, the missions with their property were transferred from the Franciscan order to the regularly organized Catholic church. This meant an entire reversion of the old order of things. The lands were parcelled out, each neophyte receiving a portion which he thereafter cultivated on his own account. He now lived, too, in his own house, and no longer stored his produce in a common granary. The mission movement, in all but its influence, was dead.

But the act of 1793 did not extend to all the missions, and it is not known definitely when some of them were secularized. Indeed, a few of them lived into the present century, which fact has doubtless given warrant for the statement made by some ardent Catholics, notably John Gilmary Shea, that the missions were prosperous

till the Anglo-Saxon came to desecrate and to destroy. But this assertion is not in accord with the facts.

Long before the American threatened the province of Texas the core of the system was decayed. The whole scheme was grounded on misconception and pillared by religious fanaticism, and doomed from the nature of things to fall. The main fallacy lay, beyond question, in the fact that the forces predominant in the life of the savage were wrongly estimated! He was not European. He was unable to grasp the significance of the Trinity or even the Parable of the Sower. Generations and centuries were destined to pass before this wayward child of the forest could ascend to such sublime heights. Little wonder that he chafed when for hours he bowed before the Virgin, uttering, like any machine, words which bore no meaning to him. All this mystery he could not fathom. But he heard and understood the voice of nature, the songs of the woods and the camp, and he fled from the presence of the friars. Other causes there were, to be sure, which conspired to overthrow the mission system, but for these no time remains.

If the reader's interest in this romantic period of Texas history has been, in any degree, intensified, it is, for the present, enough.

NOTES AND FRAGMENTS.

In an article on Tribal Society, in the Quarterly for July, 1897, I fell into the error of stating that Maria de Agreda was a Spanish missionary lady who had been in Texas about 1630. I am gratified to see this error corrected by Edmond J. P. Schmitt in the Quarterly for October, 1897. The same error has been made by others. Indeed, Manzanet's manuscript is misleading in that particular. I have never seen the original, but quote from the translation in the Texas State Library. He says: "At that time I was living in the Mission of Caldera, in the province of Coahuila, where I had gone with the intention of seeing whether I could find out and obtain any information about the interior of the country toward the north and northeast. As for the information which I had so far, it was a letter which I had in my possession dated from Madrid to our brother Antonio Linaz, this letter makes mention of the statement which the blessed Mother Maria de Jesus de Agreda imparted in her convent to the guardian father of New Mexico, who was Brother Alonzo de Benavides. The blessed mother says *that she was many times in New Mexico*, and in the great Quivira; and coming out from the great Quivira towards the east, there are the kingdoms of the Tielas, the Theas, and the Cabuzcal; but she says also that these names are not the proper ones of those kingdoms, but they resemble them. On account of that intelligence which I had from Spain, and because it came expressly to the department for the conversion of the infidels, I set out and visited the missions of Coahuila," etc.

The closing paragraph of Manzanet's manuscript, as appears in the above mentioned translation, is as follows:

"Since I have no more time, I shall only relate the most peculiar event of all. It happened after distributing in the village of the Tejas the clothing, both to the Indians and to the chief, that one evening the chief of the Tejas told me that a piece of flannel had been given to him for a shroud to bury his mother in when she should die. When I spoke to him of a kind of cloth which was better, he said to me that he did not want any other color but blue; and

when I asked him about the mystery which was in the blue color, he told me that all their people liked the blue color very much, and that by preference they wished to be buried in cloth of that color. In former time a most beautiful woman had come to see them, who descended from heaven and was dressed in blue; they all wished to be like that woman. When I asked him whether it was long ago, the chief said that it had not been in his time, but that his mother, who was very old, had seen her, and so had the other old people. Therefrom can clearly be seen that it was the Mother Maria de Jesus de Agreda *who was in those countries* very often, as she herself confessed to the guardian father of New Mexico; the last time that she was there, it was in the year 1631, as is evident from the same declaration which she made to the custodian father of New Mexico. Very respectfully, your obedient servant,

“FRAY DAMIAN MANZANET.”

This, in the absence of any explanation, would lead any one to think that he asserts that Maria de Agreda had herself been in Texas. Now it appears that what he means to assert is that although she had never crossed the ocean in the flesh, yet in a trance, or ecstasy, her spirit had come over and *materialized* among the Indians. My first impression upon reading it was that it was an Indian legend. It sounds like one, and similar legends appear in various places, notably in Peru, long before the discovery of America, and now I am convinced of the correctness of my first impression. However that may be, Maria de Agreda seems to have been in some measure the *moving spirit* in the discovery of Texas.

M. M. KENNEY.

Austin, Texas, Jan. 13, 1898.

QUESTIONS AND ANSWERS.

What is the exact location of the place referred to by the Texas histories, as Mound Prairie?

Z. T. FULMORE.

In the Quarterly of October there is a query as to where General Houston was from April, 1833, to October, 1835. My father moved to Texas with his family in November, 1833. I often heard my mother relate the following incident: As we were traveling between San Augustine and Nacogdoches one morning a gentleman came by riding a fine horse and wearing a broad brimmed hat, which he touched politely as he passed the ladies. Late in the evening the same man was met returning, and the same gentlemanly deference shown by him. Very soon after, our party stopped in front of a wayside store where several men were collected, and mother asked one of them if he knew who that gentleman was whom they had just met. "That," said he, "is Governor Houston, and he says that there is going to be a war in Texas before long, and he means to figure in it." This was about the end of November, 1833.

M. M. KENNEY.

THE AFFAIRS OF THE ASSOCIATION.

The mid-winter meeting of the Association was held at Turner Hall in San Antonio, December 29. The attendance from without the city was not as large as had been expected; but the Association is yet young, and the habit of attending its meetings must have a little time to grow. Much interest was aroused by the papers, and considerable discussion was elicited by some of them. The program originally provided for only a single session, but this did not allow time to dispose of the papers, and it became necessary to hold two sessions. Some disappointment was caused by the absence of Judge Denman, who was to read a paper on Judge T. J. Devine. Other demands upon the time of Judge Denman rendered it impossible to get the paper ready, but it is expected to appear in the April Quarterly.

The thanks of the Association are due the San Antonio members, and especially Vice President Corner, for the excellent arrangements for the meeting. A comfortable and convenient hall was provided, and on the evening of the 29th a reception was given to the visiting members. This was a most elegant and enjoyable affair, and the occasion will not soon be forgotten by those who were present.

On the whole, the results of the meeting were most encouraging. It can hardly fail to stimulate historical research in the State and raise the standard by which work in history will be measured. A large number of new members were elected and the evidence of vitality in the Association and of its great possibilities was most gratifying.

The press of the State also deserves the gratitude of the Association. The leading dailies, especially, by announcements of the meetings and programs, by reviews of the Quarterly, and by editorial notices, have done much to encourage the organization and promote its success, and their public spirited policy in dealing with it is gratefully noted.

On the 2nd day of March next comes the first anniversary of the birth of the Association. The beginnings have been most auspicious, and the outlook is bright. It must not be forgotten, however, that success in this movement can come only as the result of united effort on the part of those interested in it. Everything done in the way of increasing the effective membership, of calling attention to and describing collections of historical material, or of gathering and sending to the recording secretary and librarian bits of history worth preserving but liable to be lost, counts for so much. The assistance of the members in carrying out the purposes of the Association is urgently requested.

There are now but few of the Texas veterans left alive; and, as the memorial page of the Quarterly reminds us, the number is rapidly growing less. Every one of them should be induced, if possible, to put his reminiscences in writing. The time is not far distant when every light so cast upon the beginnings and early history of the Republic will be precious; and the children of the men who have helped to make Texas will, when it is too late, become conscious of deplorable neglect in doing so little to preserve information existing perhaps only in the memory of their fathers.

It is, however, not only those enrolled as members of the Veterans' Association that are carrying valuable knowledge to their graves to be buried even as themselves. Into the past half century of our history has been crowded a series of events pregnant with

John S. Ford:

Born May 26, 1815.

Died November 3, 1897.

effect, and none that have been leaders in any sphere during this time are without some store of knowledge and experience having public value, and therefore worth preserving in some permanent form. Two names of such men have just been added to the roll of the honored dead of Texas. It need hardly be said that these are ex-Governor L. S. Ross and Dr. R. L. Dabney. One of them had the writing habit, and has left behind many books. The other had not. What he himself has put to record out of his eventful life can not here be stated. Something, it is hoped; but, whether little or much, it can hardly fail to prove a treasure to him that is privileged to use it.

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A HISTORY OF THE ESTABLISHMENT OF THE UNIVERSITY OF THE STATE OF TEXAS.

[In this history I have sought to show that, from 1839 to 1883, a great many citizens of Texas have, according to the opportunities afforded them, and acting in the public positions in the government of Texas which were occupied by them, or otherwise, participated in the establishment of the University. I have referred to their acts, as exhibited in the histories of the State, and in the public records, so far as found practicable and pertinent, for my information, which has been supplemented by facts within my own recollection, or reliably communicated to me by others. These facts I have written in the same manner as if I was narrating them in person to the reader. In doing this I have tried to give every one of the participants full credit for his acts, so far as my information would enable me to state.—O. M. ROBERTS.]

The main branch of the University of Texas stands upon a beautiful eminence in the city of Austin, the capital of the State. It will remain a lasting monument to the wisdom of the people of the State. The merit of its establishment, with its endowment, is not due to any one man, nor even to any one hundred men. It is due to a great number of citizens, who, during a period of more than forty years, contributed their efforts for it—each one of them at the time acting according to the opportunity afforded him, and

according to his duty in the position occupied by him in the administration of the government of Texas.

The first efforts on behalf of the University were made to provide the means for its endowment, in anticipation of its subsequent establishment. The Congress of the Republic of Texas in 1839 donated fifty leagues of land to establish two colleges—one in Eastern and the other in Western Texas—and at the same session donated four leagues of land to each county for an academy. At that time it was only thought necessary to provide an endowment for schools of a high grade of education. That was in the administration of President Lamar. What part he and the members of Congress took in this meritorious proceeding we may not now be able to know, further than that the credit of it is due to him as the Executive, and to a majority in the Congress.

During Gov. Pease's administration in 1854, the Legislature granted lands for the construction of railroads, reserving alternate sections of land surveyed for that purpose, and one-tenth of those alternate sections, which were to be selected by the Governor, were devoted to the University. The merit of this, in intention, was not defeated by the failure to select the tenth sections, and the subsequent substituting for them of one million of acres of land by the convention of 1875.

During the administration of Gov. Runnels in 1858 an act was passed by the Legislature appropriating to the University one hundred thousand dollars worth of bonds received from the United States for part of New Mexico in the compromise of 1850 in Congress. The same session passed a law for the establishment of a University, appropriated the lands and other property that had been provided for the two colleges, and made provision for executing the law. Soon thereafter the public excitement that led to the war between the States caused the failure of that measure. That, however, does not detract from the merit due to the Governor and a majority of the members of the Legislature for their patriotic action on behalf of the University.

In the convention of 1866 it was provided that "the Legislature shall at an early day make such provisions by law as will organize and put in operation the University."

In the administration of Gov. Throckmorton in the same year (1866) a law was passed making provision for two universities, one

of which was to be styled "the East Texas University." Under the direction of the Constitution of 1866, and a law of the session of that year, bonds were issued to the amount of \$134,768.62 to restore to the University fund that amount that had been taken from it to be used as revenue by acts of the Legislatures of 1860 and 1861, which bonds were afterwards reported as of doubtful validity until their validity was recognized by an act of the Legislature of 1883. This effort to establish the Universities failed of accomplishment on account of the congressional reconstruction of the Southern States early in the next year (1867). Still there was merit in the actions of the members of the convention and of the Legislature not only on account of the laudable purpose expressed by them, but also as exhibiting evidence of the public sentiment in favor of a high order of education in Texas.

In the convention of 1875 it was provided that "the Legislature shall, as soon as practicable, establish, organize, and provide for the maintenance, support, and direction of a University of the first class, to be located by a vote of the people of this State and styled 'The University of Texas,' for the promotion of literature and the arts and sciences, including an agricultural and mechanical department." There was also set apart the enumerated property to be the permanent fund, excluding therefrom the tenth sections of land previously set apart to the University, and substituting in lieu thereof one million acres of land. The Constitution also designated the available fund to be appropriated for the creation and support of the University, and the A. and M. College was made a branch of it. There was a further provision for the maintenance of a branch University, when practicable, for the colored youths of the State, to be located by a vote of the people, "provided, no tax shall be levied and no money appropriated out of the general revenue either for this purpose or for the establishment and erection of the buildings of the University of Texas." Thus there was a permanent foundation laid in the organic law for a University, with directions for its accomplishment when practicable, and the discretion left to the Legislature was as to when and under what circumstances it would be practicable.

Under the general power for surveying the lands of the University in the "Revised Statutes of Texas," adopted in 1879, the Commissioner of the General Land Office, Wm. C. Walsh, had the

one million acres of land given by the Constitution of 1875 selected and surveyed for the University in the counties of Tom Green, Pecos, and Crockett.

After my nomination for the office of Governor of Texas in 1878, I devoted my especial attention to the operations of the government, including the subject of education, and became impressed with the importance of the further improvement of the common free schools, which had commenced during Gov. Coke's administration after the adoption of the Constitution of 1875, and also of the propriety of making an effort to establish a University in this State, to furnish Texas youths of both sexes the opportunity of a higher education within the State instead of their being drummed up, as had long been the case, by agents for high schools in other States. Learning that there was a convention of teachers in session at Waco, I addressed a letter to Dr. Rufus C. Burleson, requesting that a committee of eminent teachers should be appointed to visit Austin during the session of the Legislature in 1879, to aid the government by their advice and influence in educational affairs. I was afterwards informed that such a committee had been appointed.

In my inaugural address on the 21st of January, 1879, to show the necessity of a more liberal and expeditious mode of disposing of the public lands than that which then prevailed, I said: "For under the present mode of disposing of these lands the scholastic population will increase faster than the fund. * * * And the same policy will postpone indefinitely the building of a University, which should be erected at the capital of the State, for the education of Texas youths, instead of sending them out of the State to be educated, and to return home strangers to Texas."

On the 5th of February, 1879, I delivered a message upon the University, in which was exhibited the amounts of the bonds, cash, and land sale notes belonging to its fund (\$445,470.18), and said: "If steps should be taken now to have the one million acres of public land set apart, and all of the lands sold, as I have recommended, we may expect in a few years to have a university in Texas. This is equally as important as to have common schools; for while the one elevates the masses to a certain degree in the scale of civilization, the other is a necessity in this age to properly direct it in the progress to power and prosperity."

The committee of learned educators, composed of W. C. Crane, W. C. Rote, Milton Cooper, R. C. Burleson, T. L. Norwood, and Oscar H. Cooper, joined by Dr. B. Sears, general agent of the Peabody fund, met in Austin and presented a memorial relating to the free public schools and a normal school, which, with a message, was presented by me to the Legislature on the 10th of February, 1879.

Their recommendations were adopted in the amendment to the school law in several particulars, and in the establishment of the Sam Houston Normal School; but they failed to make any recommendation about a university, because, as I learned, then, there was a difference of opinion about the plan of its organization.

Notwithstanding the failure at that time to induce any legislation on the University, what was done gave promise that the effort in its favor would be continued, which induced public discussion as to its propriety and practicability. It was meritorious, as it tended to keep before the public the necessity of a higher education than that obtained in the common schools. These schools had especially engaged the attention of the State government ever since the convention of 1845, in which ten per cent of the annual revenue had been set apart for their support; and there had been an increased devotion to their interests subsequent to the war between the States, leaving the higher education to the private academies and denominational schools in the State.

In the month of June, 1880, one of the first, if not the very first, generally attended Texas State Teachers' Associations, was assembled at Mexia. I visited that place for a single purpose, which was to solicit the aid of the members of that association in the establishment of the University. In my address to that body, I pointed out the necessity of it, and suggested that if the educators and learned men, there assembled from all parts of the State, would agitate the subject, and use their influence, this would greatly aid in its accomplishment; and that, though the funds devoted to it were not sufficient to at once establish it on a large scale, still it was important that it should be brought into existence, for the reason that until this was done it would not be known what such an institution required for its successful operation. I requested them to appoint a committee of the members of their body to meet in Austin during the session of the Legislature in January, 1881, to

give their help to the movement that would then be made for it. The subject was discussed most favorably by the members of the Association, and the committee was appointed, and met at Austin as I had requested.

The question may be asked, why should this attempt to establish a university have been made at that time, when the means for doing it were very limited in amount, and the Constitution of the State required that it should be "of the first class"? It is important, even now as well as then, for it to be properly understood what the members of the Convention meant by the expression, "The Legislature shall, as soon as practicable, establish, organize and provide for the maintenance, support and direction of a university of the first class." What sort of a school did they have in mind when they designated it as "university," at the time that word was used by them? It can not be reasonably supposed that they meant that when it was established it should be such a school as that which is known to the highest order of professional educators in this country, and to them alone, as a university proper, as distinguished from a college—such as Johns Hopkins, and some others in the North, and those in Europe, which may be termed finishing schools, in which a man, already possessed of a collegiate education, can be admitted to increase or perfect his education upon some one or more special subjects. Persons using language even in forming constitutions and laws are supposed to use terms in the sense usually conveyed by them in the country wherein they are used. In the time of the Republic, a school established at San Augustine, Texas, was usually spoken of as the university. The same may be said of other schools in early times in Texas. The denominational schools at Waco, Georgetown, and Tehuacana, erected long before the Convention of 1875, are each styled "university." The large granite school house, lately erected and used at Marble Falls, Texas, is called the university. None of those schools are devoted to mere specialties. The so-called universities of Alabama, Georgia and other Southern States, including even that of Virginia, are not merely finishing schools for education on special subjects, but for the higher courses of education generally. It is certain, therefore, that, by the use of the term university was meant a high school of learning, and not technically a university, as understood in Europe and elsewhere.

Such institutions have usually large endowments, and numerous teachers, and are located where there are numerous schools of an academic and collegiate order to fit students to enter them. When would it have been practicable for Texas to put up and maintain such a school? *Perhaps* in fifty years. Nor could it have been expected to be first-class in that sense when first put up by the State, but to be made first-class as means could be furnished it in its growth through years to come. Nor was it designed ever to become only a specialty school of the first-class, or of any such class whatever, and if it should ever assume that shape, it will be a perversion of its fund, never contemplated by the people of Texas who donated it.

Under these views, I concluded that the time had arrived to start the institution, and hoped that what had been done at Mexia would give notice generally of the movement, and incite the friends of education throughout the State to action in its favor. That it had such effect was afterwards evidenced by the prompt action upon it by both houses of the Legislature in the session of 1881.

At that session, having succeeded myself as Governor, in my inaugural address I suggested that as a safe financial condition had been attained, attention might be directed to the improvement of our laws for the protection of persons and property, and added that "while giving especial attention to that, we may maintain our free public schools, enlarge our means for their future improvement by the more rapid sale of the land set apart for the purpose, lay the foundation of a university, encourage our Agricultural and Mechanical College, establish additional normal schools, and thereby give an impetus to our educational interests generally."

Lieutenant Governor-elect L. J. Storey, in his inaugural address on the same day (January 18th, 1881), said: "And again what Texan's heart does not throb with delight as he contemplates the prospects before us, and, as I believe, in the near future, for the erection of a first-class university? Already the princely fund, provided by our patriot fathers for this purpose, is believed to have reached the value of two and a half millions of dollars, and the demand is coming up from every quarter that this Legislature shall declare that it is now 'practicable,' and that it shall proceed to 'establish, organize and provide for the maintenance, support and direction of a university of the first class, to be styled the Univer-

sity of Texas.' ” This shows that the members of the State Teachers' Association had agitated the subject of education to advantage before the meeting of the Legislature in January, 1881. In my message upon different subjects on the 27th of January, I presented my views as to the manner in which a general system should be organized for the State, by which all the grades, from the highest to the lowest, should be adapted to the wants of the people. I said that naturally it assumed three degrees of education, requiring common schools for the millions, academies for the thousands, and colleges and universities for the hundreds, and that each one should be instituted with distinct reference to its position in the system, without trenching upon the province of the others, which should be secured by the modes of government respectively prescribed for them. I further said: “Fortunately, Texas is now in condition to initiate measures that will eventuate in this grand result. We have the means, as you will see exhibited and explained in the report of the Board of Education, to commence THE INSTITUTION OF A UNIVERSITY. That, under the Constitution, will require the Legislature to submit the question of its locality to the voters of the State, which I respectfully recommend should be done during the present session. It is much to be desired that it shall be located at the seat of government at Austin, where forty acres of land were set apart for it, in a most beautiful situation, in laying off the city, indicating thereby the voice of the founders of our institutions as to where it should be located. It would be here, where the members of the Legislature at every session could conveniently give it their attention and encouragement, and here would be congregated the youths of the country to imbibe common ideas, acquire a love of our State, its history, and institutions, and in whatever positions in life they might afterwards be placed they would be thereby predisposed to think and act on a common design for the prosperity and glory of their own State. It should be open for females, as well as males, qualified to enter it, and such should be the rule in all of our schools, of whatever grade.”

The committee of educators, appointed by my request at Mexia, met at Austin, and prepared a memorial and presented it to me, which I promptly communicated to both houses of the Legislature on the 28th of January, 1881, together with a message, as follows: “I respectfully submit to your honorable bodies the an-

nexed memorial of the committee appointed by the Teachers' Association of Texas on the subject of the State University, and ask for it a respectful consideration, as coming from gentlemen eminent in their profession, and who have given much attention to the subject. From having had frequent communications from, and conversations with, some of those gentlemen during the last two years, I can give full assurance that they not only feel a deep interest in the subject, but also believe the time is opportune now to initiate the establishment of the university, in which I heartily concur with them. My own views as to its organization have already been given in my message, recently submitted, for which, however, I have no such strenuous predilection as that I could not most willingly see any practical mode adopted and carried out."

To His Excellency O. M. Roberts, Governor:

At the last annual session of the Teachers' Association of Texas, held at Mexia, in June, 1880, the undersigned were appointed as a committee to present to your Excellency the views held by the teachers of Texas concerning the establishment of a State University, and to submit to your Excellency a plan for the organization of the same.

In pursuance of this commission, the following memorial is respectfully submitted:

The increasing demand for higher education, and the inadequacy of existing institutions in the State to meet this demand, taken in connection with the fact that the resources of the University fund are now amply sufficient to found and sustain an institution of the highest order, induced the Teachers' Association of Texas to adopt, by a unanimous vote, a resolution urging the immediate inauguration of a State University.

For the accomplishment of this end, which commends itself to the mind of every Texan, and every friend of higher education, the following plan of organization is respectfully submitted:

I. One university, and only one, should be organized.

II. The control, management and supervision of the University should be vested in a board, to be styled the Regents of the University of Texas, which board shall consist of one member from each congressional district, to be nominated by the Governor and confirmed by the Senate, to hold office not less than two nor more than ten years; no person, holding any office of honor or emolument, should be eligible to the position of regent.

III. The Board of Regents should be empowered and instructed to elect the president of the University, who should be ex officio

chairman of said board. The regents should determine the departments of the University, elect the professors, and, by and with the advice of the professors, arrange courses of instruction, appoint tutors and other officers of the University.

IV. The Board of Regents should fix the salaries of the president, the professors, tutors, and other officers of the University, on such a scale as to command the services of persons eminently qualified for the respective positions, and make all regulations necessary for the government of the University.

V. No religious qualification should be prescribed for admission to any office or privilege in the University, nor should any course of religious instruction of a sectarian character be taught in the University.

VI. The regents should report annually to the Governor the condition and progress of the University.

VII. A committee should be appointed by the Legislature at each session to attend the annual examinations of the University, and report to the Legislature thereon.

VIII. The reasonable expense incurred by the regents and visiting committee in the discharge of their duties should be paid out of the available University fund.

IX. The treasurer of the State should be the treasurer of the University.

X. All the expenditures of the University should be made by order of the Board of Regents, and all moneys needed to meet the same should be drawn on warrants of the Comptroller, based upon the vouchers approved by the chairman of the Board of Regents, and countersigned by the secretary of said board.

XI. The election for the location of the University should be ordered at the earliest date possible.

XII. No part of the University fund should ever be applied to the erection of dormitories, professors' houses, or mess halls.

Trusting that a measure involving such far-reaching results for the progress and glory of the State, and the advancement of education, will receive the wise and thoughtful attention, and prompt action which it deserves, we are, very respectfully, your obedient servants,

OSCAR H. COOPER, Chairman;
W. C. CRANE,
S. G. SNEED,
R. W. PITMAN,
SMITH RAGSDALE,
JOHN G. JAMES,
O. N. HOLLINGSWORTH.

Attest:

A. J. ROBERTS, Vice-President Teachers' Association of Texas.

Here we have exhibited the interest of these citizens in the cause of the University, that induced them, at their own expense, and without compensation, to come to Austin and present the outline of a plan for its organization, for which they deserve great credit as active participants in its establishment. If the act establishing the University, approved 30th March, 1881 (General Laws, chapter 75, page 79), should be examined in connection with this memorial of the committee, it will be found that the general tenor of the memorial, and a number of its propositions, were incorporated substantially in that law. The act is as follows:

An Act to Establish the University of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That there be established in the State, at such a locality as may be determined by a vote of the people, an institution of learning, which shall be called and known as The University of Texas. The medical department of the University shall be located, if so determined by a vote of the people, at a different point from the University proper, and as a branch thereof; and a question of the location of the said department shall be submitted to the people and voted on separately from the proposition for the location of the main University. The nominations and elections for the location of the medical department shall be subject to the other provisions of this act with respect to the time and manner of determining the location of the University.

SEC. 2. An election shall be held on the first Tuesday of September, 1881, for the purpose of locating the University of Texas, and the Governor is hereby authorized and instructed to issue his proclamation ordering an election on said day for said purpose, and returns of said election shall be made in the manner prescribed in the general election law.

SEC. 3. All localities put in nomination for the location of the University shall be forwarded to the Governor at least forty days anterior to the holding of said election, and the Governor shall embrace in his proclamation ordering said election the names of said localities: *Provided*, that any citizen may vote for any locality not named in said proclamation.

SEC. 4. The locality receiving the largest number of votes shall be declared elected, and the University shall be established at such locality: *Provided*, that the vote cast for said locality shall amount to one-third of the votes cast; but if no place shall receive one-third of the entire vote cast, another election shall be ordered within ninety days of the first election, between the two places receiving

the highest number of votes, and the one receiving the highest number at said election shall be declared to be selected by the people as the location of the University of Texas.

SEC. 5. The government of the University shall be vested in a Board of Regents, to consist of eight members, selected from different portions of the State, who shall be nominated by the Governor and appointed by and with the advice and consent of the Senate.

SEC. 6. The Board of Regents shall be divided into classes, numbered one, two, three, and four, as determined by the Board at their first meeting; shall hold their office two, four, six, and eight years, respectively, from the time of their appointment. From and after the first of January, 1883, two members shall be appointed at each session of the Legislature to supply the vacancies made by the provisions of this section, and in the manner provided for in the preceding section, who shall hold their offices for eight years respectively.

SEC. 7. The Regents appointed pursuant to the fifth section of this act, and their successors in office, shall have the right of making and using a common seal, and altering the same at pleasure.

SEC. 8. The Regents shall organize by the election of a president of the Board of Regents, from their own number, who shall hold his office during the pleasure of the Board. They shall establish the departments of a first-class University, determine the officers and the professorships, appoint the professors (who shall constitute the faculty, with authority to elect their own chairman) and other officers, fix their respective salaries, and enact such by-laws, rules and regulations as may be necessary for the successful management and government of the University: *Provided*, that the salaries and expenses of the University shall never exceed the interest on the University fund and land sales fund, or ever become a charge on the general revenue of the State.

SEC. 9. The immediate government of the several departments shall be entrusted to their respective faculties, subject to the joint supervision of the whole faculty, but the Regents shall have power to regulate the course of instruction, and prescribe, by and with the advice of the professors, the books and authorities used in the several departments, and to confer such degrees and to grant such diplomas as are usually conferred and granted by universities.

SEC. 10. The Regents shall have power to remove any professor, tutor, or other officer connected with the institution, when in their judgment the interest of the University shall require it.

SEC. 11. The fee of admission to the University shall never exceed thirty dollars, and it shall be open to all persons in the State who may wish to avail themselves of its advantages, and to male and female on equal terms, without charge for tuition, under such regulations as the Board of Regents may prescribe.

SEC. 12. The Treasurer of the State shall be the treasurer of the University.

SEC. 13. It shall be the duty of the Governor, within thirty days after the location of the University shall have been determined, to convene the Board of Regents at the city of Austin, for the following purposes:

First.—To effect the permanent organization of said Board.

Second.—To adopt such regulations as they may deem proper for their government.

SEC. 14. Meetings of the Board shall be called in such manner and at such place as the Regents may prescribe, and a majority of them so assembled shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time.

SEC. 15. It shall be the duty of the Board of Regents, after the organization of the Board of Regents, to meet at the place chosen for the University for the following purposes:

First.—To establish the departments of the University.

Second.—To define the general plan of the University buildings.

Third.—To advertise for plans and specifications of the same.

Fourth.—To take such action as may be deemed advisable for the creation of professorships and the election of professors.

Fifth.—To take such other action as may be deemed necessary for perfecting the organization of the University.

SEC. 16. After the plans and specifications of the building shall have been adopted, it shall be the duty of the Board of Regents to advertise for bids for the construction of the same, and to proceed as soon as practicable to the erection of the same. The buildings to be substantial and handsome, but not loaded with useless and expensive ornamentations: *Provided*, that the cost of the buildings shall not exceed one hundred and fifty thousand (\$150,000) dollars. *And provided further*, that said buildings shall be so constructed as to admit of additions thereto without marring the harmony of the architecture.

SEC. 17. The Regents are empowered, and it shall be their duty, to purchase the necessary furniture, library, apparatus, museum and other appliances: *Provided*, that the amount expended for said purpose shall not exceed forty thousand dollars.

SEC. 18. The Regents shall have authority to expend the interest which has heretofore accrued, and may hereafter accrue, on the permanent University fund, for the purposes herein specified, and for the maintenance of the branches of the University; and the said interest is hereby appropriated for this purpose.

SEC. 19. All expenditures shall be made by the order of the Board of Regents, and the same shall be paid on warrants of the Comptroller, based on vouchers approved by the president and countersigned by the secretary.

SEC. 20. No religious qualification shall be required for admission to any office or privilege in the University, nor shall any course of instruction of a sectarian character be taught therein.

SEC. 21. The Board of Regents shall report to the Board of Education annually, and to each regular session of the Legislature, the condition of the University, setting forth the receipts and disbursements, the number and salary of the faculty, the number of students, classified in grades and departments, the expenses of each year, itemized, and the proceedings of the Board and faculty fully stated.

SEC. 22. There shall be appointed by the Legislature at each regular session a board of visitors, who shall attend the annual examinations of the University and its branches, and report to the Legislature thereon.

SEC. 23. The reasonable expenses incurred by the Board of Regency and visitation in the discharge of their duties, shall be paid from the available University fund.

SEC. 24. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved March 30, A. D. 1881.

Amendment.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That section 5 of an act entitled "An act to establish the University of Texas," passed at the present session of the Legislature, be so amended as to hereafter read as follows:

SEC. 5. The government of the University shall be vested in a Board of Regents, to consist of eight members, selected from different portions of the State, who shall be nominated by the Governor, and appointed by and with the consent of the Senate; and should a vacancy occur by reason of death, resignation or removal of any of the Regents, or from any other cause, at a time when the Legislature is not in session, the Governor shall have power to fill such vacancy until the meeting of the next succeeding Legislature.

Approved April 1, A. D. 1881.

There are three distinguished gentlemen still living, each of whom claims the honor of having drawn up the bill for the establishment of the University. They are the chairman of the teachers' committee, Oscar H. Cooper, Senator A. W. Terrell, and Representative Hutcheson of Houston. Both of the latter were members of the Legislature in 1881. I have no doubt that all of them acted their part well in their zeal for the University. Unfortunately, the

books and papers in the office of the Secretary of State furnish but imperfect information about the passage of that bill through the Legislature. Amongst the papers there are two bills—a Senate bill and a House bill—both in the same handwriting, apparently engrossed bills. They are duplicates, with a slight variation in the seventh and twenty-third sections. The eighth section of both provides for a president of the University, as recommended in the memorial. The twelfth section in both provides for the admission of students, without designating the sex, and a slip of paper contains an amendment by Senator Gooch providing for female as well as male students. The Senate bill appears to have been introduced on the first of February, and the House committee bill on the seventh of February.

There is no House Journal in the office of the Secretary of State, but that of the Senate is there. In the Senate Journal, it appears that the Governor's message and teachers' memorial reached the Senate on the 28th of January, 1881. On the 29th of January, on motion of Senator Homan, the reading of the message was postponed and referred to the Committee on Education.

On January 31st, Senator Wynne offered a resolution "that the Committee on Educational Affairs be requested to consider the propriety of establishing a State University, and report their action by bill or otherwise," which was adopted. The members of that committee were Buchanan of Wood, chairman; Patton, Martin of Navarro, Terrell, Tilson, Martin of Cooke, Houston, Stewart, Stubbs, Burgess, Ross, and Gooch. On February 1, Senator Buchanan, by leave, introduced Senate bill No. 98, entitled "An act to establish the University of Texas," which was referred to the Committee on Educational Affairs, and the same day he presented a favorable report upon it as chairman. On February 8th (Tuesday), "On motion of Senator Terrell, Senate bill No. 98 was taken up and made special order for Thursday following, after morning call." Senator Gooch offered to amend by adding "from day to day until disposed of," which was accepted by Senator Terrell, and the motion was adopted. On February 10th (Thursday), Senator Stubbs offered an amendment to the effect that the medical department might be located at a different place from that of the main branch of the University, which was lost by a vote of 9 for and 12 against it, 5 not voting. On the 11th of February, Senator

Buchanan of Grimes reported: "Your Committee on Engrossed Bills have examined and compared Senate bill No. 98, entitled 'An act to establish the University of Texas.'" On February 12th, on motion of Senator Buchanan of Wood, bill 98 was taken up and read third time, when several amendments were offered and lost, and Senator Stubbs of Galveston renewed his amendment for the medical department to be voted for to be at a different place from that of the main branch, which was adopted by a vote of 17 for and 6 against it, 3 not voting. The bill was then passed.

On March 28, "Senator Buchanan of Wood moved to take up Senate bill No. 98, entitled 'An act to establish the University of Texas,' and that the Senate concur in the House amendment, which was adopted." The character of this House amendment is in no place in the records stated, but it is presumed to be the striking out of the bill the provision for a president of the University. On March 29, Senator Buchanan of Wood introduced a bill, No. 299, to amend section 5 of the law just passed to establish the University, and on the same day made a favorable report on it.

The amendment made by bill 299 related to the powers of the regents and their appointment by the Governor, and had an emergency clause. The bill was engrossed the same day. On March 30, Senate bill No. 98, entitled "An act to establish the University of Texas," was signed by the President of the Senate.

I have failed to find any record of the passage of bill 299 in the Senate, but on March 31st notice was received of its passage in the House. The object of the enactment of this law amending the 5th section, and providing for the appointment of regents of the University, was for them to commence action as soon as the University should be located.

April 1st, under the act (Senate bill No. 299) relating to the appointment of regents by the Governor, I nominated Hon. T. J. Devine, Dr. Ashbel Smith, Governor James W. Throckmorton, Governor Richard B. Hubbard, Judge James H. Bell, Dr. James H. Starr, Mr. N. A. Edwards, and Professor Smith Ragsdale, which nominations were approved by the Senate.

I have thus collected all of the proceedings of the Legislature to be found in the office of the Secretary of State in regard to the passage of the bill in 1881. Though they may be somewhat tedious in the perusal, they will show that nothing to be found there will

indicate with any certainty who drew up the bill, and what persons exerted most influence in its passage. As I never attended the sessions of the Legislature, I can only give what I knew and was informed of at the time. The chairman of the teachers' committee, Oscar H. Cooper, after the memorial had been sent to both houses of the Legislature, came to me with one of the committee (O. N. Hollingsworth), and presented to me a bill drawn up by him, which I looked at, and then supposed to be substantially in accordance with the provisions of the memorial; and I understood that he was to give it to Senator Buchanan, chairman of the Committee on Educational Affairs in the Senate, to be introduced by him. He stayed in Austin about a week, and before leaving told me that he had talked about it to a number of the members of both houses, that it had been favorably started, and that he was satisfied that it would pass successfully through the Legislature.

The prompt action taken in the Senate, as soon as the teachers' memorial was received, the course followed by the chairman of the Committee on Educational Affairs in introducing the bill on the fourth day afterwards, the favorable report thereon, and the frequent appearance of the chairman of the committee afterwards in the management of the bill, exhibit the fact that his committee, composed as it was of a number of educated gentlemen of public prominence, were in cordial co-operation in their efforts to have the University established.

As to Judge A. W. Terrell's part in it, I well recollect that I and other friends of the bill depended much upon his advocacy and influence in carrying it through the Senate, and I know that he continued for years afterward to exhibit, by speech and action, a lively interest in the University, and was regarded as one of its leading promoters and friends.

I very much regret that the House Journal could not be found, so as to exhibit the meritorious action of the representatives in 1881 upon the bill. Some account is given of the House proceedings in J. J. Lane's "History of the University," pages 197-199, which may be referred to.

As to the part taken in it by Representative Hutcheson of Houston, I can say that I regarded him as one of the most active and

efficient adherents of my administration generally in the House of Representatives, which I gratefully appreciated. I recollect distinctly that it was reported at the time that he objected to that part of the bill which provided for a president, and that it was upon his motion that it was stricken out of the bill. It was said that the reason he did it, was that he had been a student of the Virginia University, that has a chairman of the faculty, but not a president. It is reported in J. J. Lane's "History of the University," page 203, that Mr. Carlton, the member of the House from Austin, made an earnest appeal for the University.

The fact is that, according to my recollection, there was no active or stubborn opposition to the establishment of the University from any quarter in the Legislature of 1881, that the only difference manifested was as to a few of the provisions of the bill as it was at first introduced, which caused amendments to be offered, and a few of them to be passed, in perfecting the bill, and that when thus perfected it passed without any material opposition.

The act was approved the 30th of March, 1881, and went into effect ninety days after April 1st, the date of adjournment, which had expired by the 1st of August, 1881.

The law, in accordance with the Constitution, having required the University to be located by a vote of the people of the State, and having permitted a different place to be voted for as the location of the medical department from that of the main University, and having required the election to be held on the first Tuesday in September, 1881, and the localities put in nomination having been reported to the Governor, as required by the law, forty days before the election, the proclamation for the election was issued with the places nominated included. Not having the proclamation to refer to, I have taken the names of the places voted for, as here shown, from information obtained from the office of the Secretary of State. They are Austin, Waco, Tyler, Thorp Springs, Lampasas, Williams' Ranch, Albany, Grapevine, Matagorda, Caddo Grove and Peak, Houston and Galveston. Some of these places were nominated for the main University, but which of them I do not recollect, and it is now not material. But I do recollect that Austin was nominated for the entire University, and Galveston only for the medical de-

partment. During the canvass for the location I was personally placed under what might be considered a serious embarrassment by the nomination of Tyler, which was the place of my home, that I had prepared as a residence for the balance of my life, surrounded by many much valued friends, and situated in a section of the State where I had lived for forty years. I believed that the capital of the State was the proper place for the University entire, except the Agricultural and Mechanical College, already established, and the branch for colored youths not then located, and had repeatedly so declared officially and otherwise. It would have been unworthy of me, and of the public position occupied by me, to have changed my course, either on account of my own pecuniary interest, or of my feeling of friendship personally for my fellow-citizens in Tyler and throughout Eastern Texas, to whom I had long been under obligations for their generous public support. Therefore, I continued to support the capital, as announced in my first inaugural, and yet believe that it would have been to the interest of the State for the whole University, with the exceptions above stated, to have been located at Austin, the seat of government of Texas. Still, I as one cheerfully abide the result of the vote of the people in that election.

The votes at the election having been returned to the office of the Secretary of State, were counted there in my presence on the 17th of October, 1881, and the result of the election determined by the Secretary, assisted by his clerks, which showed that Austin was elected for the main University, and Galveston was elected for the medical department, of which public notice was given. A tabular statement of the vote was made, which is now in the office.

Pursuant to the 13th section of the law organizing the University, on the 19th of October, 1881, the following proclamation was issued to convene the regents of the University at Austin on Tuesday, the 15th of November, 1881:

Proclamation of the Governor of the State of Texas convening the Board of Regents of the University of Texas.

Whereas, the official returns of the election held September 6th, 1881, which said returns are now on file in the office of the Secretary of State, show that Austin has been selected by the people as the location of the University of Texas, with the medical branch at Galveston:

Now, therefore, I, O. M. Roberts, Governor of Texas, by virtue of the authority vested in me by the laws of this State, do hereby call the Board of Regents of the University of Texas to convene at the city of Austin on Tuesday, the fifteenth day of November, 1881, to effect the permanent organization of the board, and to take such action as the law requires for the establishment and organization of the University.

In testimony whereof, I hereby sign my name and cause the seal of the State to be affixed, at the city of Austin, this the [L. s.] nineteenth day of October, A. D. 1881.

O. M. ROBERTS, Governor.

By the Governor:

T. H. BOWMAN, Secretary of State.

Before the meeting of the Board of Regents, an incident occurred showing an interest in the University by persons beyond the limits of Texas. Colonel George Flournoy, having moved from Texas to California, informed me by letter that Judge Hastings, of that State, an elderly gentleman, who had been a judge of the Supreme Court in one of the Northwestern States, and afterwards Chief Justice of the Supreme Court of California, and who had donated one hundred thousand dollars to the law department of the University of that State, desired to visit Texas on some private business, and had expressed a wish to come to Austin at the time that the regents should meet, to give his assistance and encouragement in the organization of the University of Texas. I notified him of the time, and gave him a cordial invitation to be present according to his desire. He came, and was welcomed by the regents, who had been previously informed of the object of his visit. The regents met at the day appointed in the proclamation, as I now recollect, in a room of the Supreme Court house, that stood in the rear of the old capitol, that was accidentally burned in the fall of 1881, and there held their first session. I addressed them a letter, from which it may be seen that some of the regents originally appointed had declined to accept, and others had been appointed by me to fill their places. The letter had reference to the fund of the University.

The Governor's Letter to the University Board of Regents Upon Its Assembling.

EXECUTIVE OFFICE, STATE OF TEXAS,
Austin, November 16, 1881.

To the Board of Regents of the University of Texas: T. J. Devine, Ashbel Smith, Richard B. Hubbard, A. N. Edwards, Thomas M. Harwood, Smith Ragsdale, and J. L. Camp:

Gentlemen: Having assembled to perform a most important duty for this State, in the inauguration of its first high school, aspiring to the title and grade of a State University, I deem it proper to present to you statements from the General Land Office and Comptroller's and Treasurer's offices, of the amount and character of property and funds belonging to said institution.

First, as to the lands: The amount of 32,335½ acres, shown in the statement of the Hon. Wm. C. Walsh, herewith submitted, constitutes the remaining portion of the fifty leagues of land set apart by the Congress of Texas in 1839. It is now subject to sale upon valuation. A large portion of that which is in McLennan county is now in litigation, by which the sale of it has been retarded. Able attorneys have been employed to maintain the title of the State. The one million of acres shown in said statement were set apart by the Sixteenth Legislature, and surveyed during the summer of 1880. They are understood to be, for the most part, good pastoral lands. They were surveyed in sections of 640 acres. There is no law for their sale, or disposition otherwise. Should your honorable board arrive at any conclusion as to best means of disposing of them for the benefit of the institution under your charge, and to make a recommendation to the Legislature at its next session, it would doubtless have its due weight.

Second, as to the funds in the treasury of the State belonging to the University: I respectfully refer you to the statements and accompanying explanation of the Hon. W. M. Brown, Comptroller.

From these statements, it will be seen that the amount of the available funds now in the treasury is much less than the amount appropriated for your immediate use by the Seventeenth Legislature, to wit, \$150,000 for buildings, and \$40,000 for furniture, library, etc., making \$190,000. In explanation of this, I respectfully refer you to the report of Hon. S. H. Darden, former Comptroller, for the year ending August 31st, 1880 (pages 4 and 7), which was submitted to the Seventeenth Legislature, in which it is shown that the interest, which was then the available fund, amounted to \$185,385.27. That, however, was predicated, as there stated, upon the contingency that the Legislature would pass a law establishing or

recognizing the validity of the bonds, amounting to \$134,472.26, that had been uniformly reported previously as bonds of doubtful validity, and also to allow interest on said bonds to date (August 31, 1880), which would have amounted to \$91,889.36. No such law was passed. But, had such a law been enacted, I respectfully present the question whether that part of said interest accruing previous to the 17th of April, 1876, would not have belonged to the permanent and not to the available fund, under the terms of section 11, of article 7, of the existing Constitution of the State. Attention is also called to this for consideration, in view of any recommendation that your honorable board may make to the Legislature in regard to the recognition of the validity of these bonds.

Third, the Hon. F. R. Lubbock, the State Treasurer, has submitted a statement, showing the amount of notes for which University lands have been sold, and the probable amount annually paid on said notes, as an increase of the permanent fund, which, when invested in bonds, will, by their interest, annually increase the available fund.

I have requested the Hon. T. H. Bowman, Secretary of State, to prepare and furnish to you copies of the proclamation ordering the election for the location of the University, the tabulated statement showing the counting of the votes, and the declaration of the result of the vote, in which it was determined that the main University was located at Austin and the medical department thereof at Galveston. On account of the burning of the capitol and the confusion in the business of his office consequent thereon, he has been unable to do so. The originals are subject to your inspection, and copies of them will be furnished to you as soon as practicable.

Respectfully, your obedient servant,

O. M. ROBERTS, Governor.

The reports referred to in my letter will be seen quoted in the letter of the regents to me at the conclusion of their work during that session.

As I had appointed these regents, I felt a delicacy in being present with them in their sessions, except upon their invitation, and, therefore, I can speak of their proceedings, with one or two exceptions, only from information conveyed to me by conversations with some of the regents. In that way I learned that after examining my letter and the reports submitted to them, the smallness of the funds at their command caused them, or some of them, to rather doubt the propriety of an immediate effort to then commence the work for which they had assembled as regents. They met at night

in a room in the hotel to consult freely upon it, and Judge Hastings was present in their meeting. He was a large old gentleman, whose personal appearance indicated great force of character, and after quietly hearing the views of the regents, which tended towards immediate action, upon their invitation he addressed them upon the subject, and, after recounting his large experience in such matters, he urged them to commence the work at once to the extent of their present ability, and rely confidently upon being supported in their further progress by the people of the State. Doubtless these views but reflected the sentiments of the regents, or at least a large majority of them, and encouraged them in their determination in favor of immediate action.

In the appointment of the regents I had, in compliance with the law, selected them from different parts of the State, and had sought gentlemen of ability and learning, who had held public positions, and whose reputation would inspire confidence in their performance of the duties of the position which they had been appointed to occupy.

Ashbel Smith, of Harris county, had been surgeon general of the army and minister to England and France in the time of the Republic of Texas, a colonel in the Confederate army, and, on several occasions, a prominent member of the State Legislature of Texas.

Thomas J. Devine, of San Antonio, had been a district judge in Texas, a member of the Secession Convention, a Confederate district judge during the war, and afterwards one of the justices of the Supreme Court.

Thomas D. Wooten, of Austin, had been a surgeon of high rank in the Confederate army, and was extensively known over the State as an eminent physician and surgeon.

A. N. Edwards, of Sulphur Springs, in Hopkins county, was president of the Grange, a large association of farmers throughout the State.

Richard B. Hubbard, of Tyler, Smith county, had been United States district attorney, a member of the State Legislature, a colonel in the Confederate army, had been twice elected Lieutenant Governor of Texas, and had become Governor upon the resignation of Governor Coke.

Smith Ragsdale, of Weatherford, Parker county, was well known as a superintendent of high schools, who had for fifteen years taught Latin and other branches of learning in the McKinsey private high school at Clarksville, in Red River county, which was one of the most celebrated schools that were established in the early days in Texas.

J. L. Camp, of Gilmer, Upshur county, had been a colonel in the Confederate army, a member of the State Senate, and a criminal district judge, and for many years a leading and popular lawyer in his part of the State.

T. M. Harwood, of Gonzales, had been educated in the University of Virginia and had been a major in the Confederate army, and was a distinguished lawyer, practicing in the district and Supreme Courts for more than thirty years.

Thus was brought together a combination of different qualifications to initiate this grand undertaking of the State.

The regents organized by the election of Col. Ashbel Smith as president, and Mr. A. N. Edwards as secretary. After they had prepared the report of their proceedings, I was present by their invitation, and heard it read, and the only addition that I suggested was that of "government" to the law department, which was made. In the informal consultation had upon that occasion I suggested to them the propriety, in view of the limited means at their disposal, of instituting but few chairs, to be filled with eminent teachers, compensated by good salaries, so as to have superior teaching in comparison with that of all other schools in the State, and stated my conviction that in that way only could they then inaugurate a first-class university, to be perfected by an increase of professors as the increase of the funds would furnish the ability to make it.

At the close of their session they made the following report:

Report of the Proceedings of the University Board of Regents to the Governor.

CITY OF AUSTIN, November 17, 1881.

To His Excellency O. M. Roberts, Governor of Texas:

Sir: The undersigned members of the Board of Regents of the University of Texas have the honor to present to your Excellency

the following statement of their proceedings and of matters relating to the University:

In obedience to the proclamation of your Excellency, the Board of Regents assembled in Austin on the 15th instant.

In conformity with the requirements of the act of the honorable the Legislature of Texas, approved March 30, 1881, the board organized by electing a president and secretary of the board.

Next in order, as required in the above recited act, the Regents proceeded to establish the several departments of the University, a copy of which is herewith submitted.

The board then adopted a general plan of the building which will be first required in carrying the organization of the University into effect. They also took steps to advertise for plans and specifications of such building.

The board also appointed a committee to ascertain what buildings will be needed for the medical department of the University, which has, by public vote, been located in the city of Galveston, and to provide such buildings for said medical department.

The Board of Regents then, in order to ascertain the available means for erecting the necessary buildings adverted to in the preceding paragraphs, and for meeting the expenses of carrying on the University when put into operation, addressed the honorable the Comptroller for information on the amount of University funds in the treasury, and on other means set apart for the use of the University. The Comptroller laid before the board a succinct statement of the University funds on hands. The following is the summary:

There will be in the treasury on the first of January, 1883, belonging to the University, cash funds amounting to \$37,025.11; bonds in the treasury, covering funds formerly set apart for the University, and borrowed by the Legislature for other purposes, which borrowing was perhaps proper in the peculiar circumstances of the times, amounting as principal to \$134,472.26.

These funds belong of right to the University. No interest has ever been set apart on this principal sum. The board submit that the Legislature be respectfully requested to provide by appropriate legislation for the transfer to the University available funds of this sum, together with the interest which should of right have accrued thereon.

It further appears from the Comptroller's report that there has been an important misconception as to the amount of available University funds actually on hand. The late Comptroller, in his report for the year ending August 31, 1880, on the "University Fund," arrives at the conclusion, and so states, that in justice there should be subject to appropriation "by the Legislature as available fund \$185,385.27." For the more full understanding of this sub-

ject, the report of the late Comptroller is hereto appended in full, so far as relates to the "University Fund." Hence, referring to the report of the present Comptroller adverted to above, it appears that instead of there being in the treasury, at this time, available funds of the University, \$185,385.27, there are only \$37,025.11 available and subject to the order of the Board of Regents, and this includes interest on the same up to January 1, 1883. The Legislature, in the act of March 30, establishing the University, appropriated, subject to the order of the Board of Regents, \$150,000 for building, \$40,000 for the purchase of library, necessary apparatus, furniture, etc., for said University.

The foregoing statement exhibits the financial condition of the University at the present time. It is clear that further legislative action is necessary to carry into effect the objects of the Legislature in passing the University act of March 30, 1881.

The Board of Regents, therefore, respectfully request your Excellency, if in your opinion advisable, to present this subject of the financial condition and prospective requirements of the University before the Legislature, in the event that it shall be convened in extra session. It appears from the information derived from the General Land Office that there remains on hand of the University lands unsold and at the present time subject to sale 32,000 acres. The million acres appropriated to the University of Texas have been located, but they are not subject to sale at this time. In view of the extraordinary increase and spread of population in Texas, and of the consequent increase in the demand for land for settlement, and also in view of the rapid appreciation in value of lands on our frontier, this million acres must ere long be salable at high prices, as compared with the present prices. The Board of Regents are informed that this million acres of University lands in question can now be leased for a term of years for pastoral purposes, at rates producing a large annual income, available for the University, and at the same time reserving to the University the great prospective certain increase in their selling value. To protect these lands—this million acres of University land—from being used for pastoral purposes as at present, without any compensation being made for this use of the same, will require appropriate legislation by the Legislature. If so protected by appropriate legislation, and leased, as they may be, on such terms as are paid for rent of lands similarly conditioned, these lands in question will afford a revenue largely contributing to the support of the University at no distant day.

The Board of Regents beg, in conclusion, to recapitulate a brief summary of their proceedings. As required by the act providing for the creation of the board, they have,

1. Organized their board.

2. Established the several departments of the University.
3. Defined the general plan of the University buildings.
4. Provided for advertising for plans and specifications of same.

The board have done everything practicable and advisable, in their opinion, to be done at this time. They have not deemed it advisable to take any steps at their present meeting to select persons to fill the chairs of professors or other officers.

The grounds set apart many years ago for an University, and known as College Hill, consisting of forty acres, are a magnificent site for a great institution for the increase and diffusion of knowledge, such as the people of Texas require that this University shall be. The executive committee of the board have been authorized to have this University ground surveyed and surrounded by a substantial fence for its protection.

In conclusion, the board would state, after careful review of the entire subject, that substantial grounds exist for the belief that the design of a University, entertained and cherished by the fathers of the Republic and State of Texas, will be carried out to a successful termination, and that the State of Texas, at no distant day, will possess a University resting on foundations broad and deep, growing with the growth, and keeping step with the population, the wealth and intelligence of the State of Texas.

All of which is respectfully submitted.

ASHBEL SMITH, President;
THOS. J. DEVINE,
T. M. HARWOOD,
THOS. D. WOOTEN,
A. N. EDWARDS, Secretary;
R. B. HUBBARD,
SMITH RAGSDALE,

Regents of the University of Texas.

Extract from the Comptroller's Report for the Year Ending August 31, 1881.

UNIVERSITY FUND.

Attention is also called to the item, \$10,300.41, in Comptroller's "Certificate of Debt," appearing to the credit of the University land sales account. This certificate of indebtedness was issued to that fund by the Comptroller, W. L. Robards, June 8, 1865, in lieu of like amount of State warrants which had been paid into the credit of that fund for the purchase of University lands, under act of December 13, 1863. These warrants were destroyed, and the indebtedness of the State to the University fund recognized by the Comptroller by the issuance of the certificate of debt. This subject

was mentioned in the annual report from this office for the fiscal year ending August 31, 1874, and in subsequent reports, suggesting that some action be taken by the Legislature to determine the validity of the credit, which appears to be a just claim upon the State in favor of the University fund. Recognizing this debt, and the further debt of \$134,472.26, reported as debt of doubtful validity, the Texas University fund will have to its credit August 31, 1880, as follows, to wit:

Five per cent State bonds.....	\$75,400 00
Six per cent State bonds.....	175,500 00
Seven per cent State bonds.....	63,000 00
Five per cent State bonds, quoted as of doubtful validity	134,472 26
Comptroller's certificate of debt.....	10,300 41
Cash	2,563 23
Total	<u>\$461,235 90</u>

The above \$134,472.26 were twelve-year bonds, and matured January 1, 1879. Interest on these bonds to date of maturity, twelve years, amounts to \$80,683.35. If, however, interest is allowed from the date of maturity up to time of payment, which would seem to be just, there would be, to August 31, 1880, \$11,206.01 additional interest, making total interest on said bonds to August 31, 1880, \$91,889.36, which, added to the above \$461,235.90, would show to the credit of the University fund \$553,125.26. Of this amount \$93,495.91 is interest on permanent fund already on hand, invested in bonds, and \$91,889.36 interest due on bonds quoted as of doubtful validity, making a total derived from interest, and, therefore, subject to appropriation, \$185,385.27. Recognizing this class of indebtedness heretofore quoted as of doubtful validity, with interest on same, the University fund stands, August 31, 1880, as follows:

Principal	\$367,739 99
Interest	185,385 27

Should the above named amounts of \$134,472.26 and \$10,300.41 due the University fund, together with the \$82,168.82 due the school fund, mentioned elsewhere, be recognized as valid debts, the bonds and certificates of debt representing the above amounts could be substituted by manuscript bonds for like amounts, and the interest due appropriated from the general revenue.

No mention is made here of the notes held by this fund for the

sale of lands. The money derived from this source is invested as fast as paid into the treasury, thereby increasing from time to time both the permanent and available funds.

UNIVERSITY OF TEXAS.

BOARD OF REGENTS.

OFFICERS.

Ashbel Smith, president; A. N. Edwards, secretary.

CLASSES.

Class One.—Smith Ragsdale, Weatherford; T. D. Wooten, Austin.

Class Two.—Ashbel Smith, Houston; J. L. Camp, Gilmer.

Class Three.—T. M. Harwood, Gonzales; A. N. Edwards, Sulphur Springs.

Class Four.—R. B. Hubbard, Tyler; Thos. J. Devine, San Antonio.

DEPARTMENTS.

Academic Department.—1. English Language, English Literature and History, one professor. 2. Chemistry, one professor. 3. Natural Philosophy, Astronomy, Mechanics and Meteorology, one professor. 4. Natural History and Botany, one professor. 5. Mathematics and Practical Engineering, one professor. 6. School of Mines, Geology and Mineralogy, one professor. 7. Moral Philosophy and Ethics, and Political Economy, one professor. 8. Ancient Languages, Greek and Latin, one professor. 9. Modern Languages, Spanish, French, and German, one professor.

Department of Law.—Science of Government, Civil, Common, Constitutional Law, and Statutes of Texas, two professors.

Medical Department.—1. Anatomy, Clinical Diseases of the Eye and Ear, one professor. 2. Clin. Med. and Diseases of Children, one professor. 3. Physiology and Physical Diagnosis, one professor. 4. Science and practice of Medicine and Public Hygiene, one professor. 5. Obstetrics and Med. and Sur. Diseases of Women, one professor. 6. Materia Medica, Therapeutics, Med., Chem. and Dis. Nervous System, one professor. 7. Surgery and Chem. Surgery, one professor.

COMMITTEES.

Executive Committee.—Ashbel Smith, R. B. Hubbard, T. M. Harwood.

Finance Committee.—Thos. J. Devine, T. D. Wooten, Smith Ragsdale.

A special session of the Legislature was convened on the 6th of April, 1882, and, in pursuance of the recommendation of the Board of Regents in their report, one of the subjects of legislation submitted to that body was the University and the increase of its funds. In my general message on the 6th of April, 1882, I reported what had already been done about the University, and brought to view the inadequacy of its means, and used the best arguments that I could produce to encourage the fostering of that institution. In order to fortify my request for an additional appropriation of land to its fund, I had procured a report from the Commissioner of the General Land Office, Capt. W. C. Walsh, showing the loss of land to the University by the action of the convention of 1875, in taking from it the tenth sections of land that had been surveyed by the railroad companies. This enabled me to state to the Legislature that the land of those tenth sections would have amounted, at the time of the convention of 1875, to about one million seven hundred thousand acres of land, and if it had not been taken from the University, by the increase up to the 6th of April, 1881, it would have amounted to over three millions of acres. I thereupon recommended the appropriation of two millions of acres of land to the University fund for the support of the main University and its branches.

I also recommended the recognition of the validity of the \$134,472.26 of bonds that had been reported to be of doubtful validity.

Senator Stubbs introduced a bill (No. 20) to appropriate two millions of acres of land to the University, and to provide for survey and sale of same. Senator Swain introduced a bill (No. 22) to appropriate three millions of acres of land for the University. There was an effort also by several Senators to have a bill perfected recognizing the validity of the bonds that had been reported of doubtful validity. Upon the bill for appropriating two millions of acres of land, Senator Terrell made a forcible speech rebutting the

idea that the University would be only a rich man's school, and urged the real necessity of the appropriation to make the school what it should be. Extracts from it may be seen in J. J. Lane's *History of the University*, on pages 21-3. The bill passed in the Senate, but failed to pass in the House of Representatives. Still the effort was not in vain, for at the next session in 1883 one million acres of land were appropriated, and the bonds of doubtful validity were recognized as valid.

During the month of June, 1882, the State Teachers' Association, held at Galveston, was attended by Col. Ashbel Smith and myself. We both made addresses to that body, explaining the status of the University, the necessity for an increase of its funds, and asking their good offices for its encouragement throughout. Many expressions of good will for its successful establishment were made in response to our efforts.

Col. Ashbel Smith, actuated by his zeal in the cause, during that year, at his own expense, made a visit through the Southern States to the North, to obtain information in regard to first-class educators, who could probably be secured as professors in our University when prepared to receive them. The result of his investigation gave essential aid in the selection afterwards made of professors.

The elevated locality whereon the main University stands, embracing forty acres of land, selected when the city of Austin was surveyed for the State capital, was for many years called "College Hill." Its top was originally covered by a beautiful grove of live-oak and other kinds of trees, that were cut down, as it was reported, by order of General Magruder during the war, in order to place cannon there to defend the city of Austin.

Preparatory to the building of the west wing of the University, I was present there with Dr. Wooten and others and assisted in selecting and laying off the ground for its location, leaving room on top of the hill for the central and eastern wing of the building.

In the fall of 1882, the corner-stone of the main University was laid on College Hill, when a great concourse of people of all classes was assembled to witness the imposing ceremony. According to arrangements by the regents superintending it, speeches were made by Colonel Ashbel Smith, President of the Board of Regents, myself as Governor, and the Hon. J. H. McLeary, Attorney Gen-

eral of the State, who, as ex-Grand Master of the Grand Lodge of Masons in Texas, gave his attention and direction to laying in place the corner-stone, and whose speech was both interesting and appropriate to the occasion.

I here insert short extracts from my speech as being my last public act relating to the University's establishment while I was Governor. After recounting what had previously been done in the different efforts to provide for and establish a University in Texas, I said: "Thus will it be seen during the long period of forty-three years the establishment of this institution of learning has been almost constantly in the minds of the highest order of men in Texas, and has from time to time up to the present enlisted their patriotic efforts.

"Therefore, I repeat, that it can not be that the people of this State will allow the University of Texas to be anything below first class, as required by the Constitution. Let our common school system, for which an ample provision in expectancy has already been made, become fully developed; let the intermediate high schools be fostered; and let the University and its branches be more amply endowed, organized and put in full operation as a first-class University—the guiding head of our educational system; then will this State have put on her armor to vie with other States and nations for superiority. And then, after a time, future generations will proudly point to the University of Texas as the brightest jewel in the crown of our greatness as a people and a State."

Col. Cook, of Austin, an experienced building contractor, proceeded with the erection of the west wing of the University building, in a substantial manner, having placed its superstructure upon a deeply-laid foundation of solid stone, so as to insure the solidity of the whole structure when completed, and furnish a basement story.

It was near enough completion to enable the University to be inaugurated on the 15th of September, A. D. 1883, in one of its rooms.

The following gentlemen were then the regents of the University: Col. Ashbel Smith, president; T. M. Harwood, T. D. Wooten, E. J. Simkins, James B. Clark, B. Hadra, Seth Shepard, and Geo. T. Todd, with A. P. Wooldridge, secretary of the Board. The professors present, having been previously selected, were, in

the academic department: J. W. Mallett, chairman of the faculty; Wm. Leroy Broun, Milton W. Humphreys, Leslie Waggener, R. L. Dabney, and H. Tallichet; and, in the law department, O. M. Roberts and Robert S. Gould. The school was opened and taught in the Temporary Capitol until the first of January, 1884, when it was removed to the University building in the west wing, which had then been completed. And thus was established the main branch of the University of Texas.

In conclusion, it should be recollected that this is not an attempted history of the University of Texas, but only some account of its establishment, by stating what had been previously done towards it, and by stating, to the extent of a limited information, what I and others said and did. In a democratic Republic, no one man can accomplish any great measure of government. He may start or revive the movement for it, or strongly advocate it, or lead in the steps taken for it; still, there must be a public opinion actively demanding it, and those who are in authoritative control of the government must co-operate in its final consummation. If all that each person did, in his appropriate sphere of action, could be ascertained and stated, it would doubtless fill an ordinary-sized volume.

I happened to be placed in a position in which it became my duty to direct the course of public affairs in the administration of the State government as best I could, and being strongly impressed with the public necessity for a University, I simply endeavored to have created throughout the State a public opinion, pressing for it, by enlisting the efforts and influence of the teachers, and through them, the people generally interested in education, and presented the subject before the Legislature.

THE REAL SAINT-DENIS.

LESTER G. BUGBEE.

In a paper read before the midwinter meeting of the Association and published in the January Quarterly, Rev. Edmond J. P. Schmitt questions Yoakum's accuracy in using the name Juchereau* as applied to that Saint-Denis who figured in the early history of Louisiana and Texas. He also points out the error of John Henry Brown's statement that Saint-Denis was killed by the Natchez Indians in 1728.†

Some of our Texas historians have perhaps committed a much graver fault in embellishing their pages with the interesting adventures of this hero-trader than has been indicated by Father Schmitt. It is highly probable that the story of Saint-Denis as recorded in many of our histories is, in most particulars, nothing more than one of those pretty myths that find their way into history so easily and hold their places in the popular mind so tenaciously. It is the purpose of the following article to point out some of the errors that have crept into this story, to indicate the chief sources from which we must reconstruct the true narrative, and to call attention to the real importance of Saint-Denis in the history of Texas. What is here written, however, is in no sense to be considered final; some of the most important sources of information have been beyond my reach, and from them, no doubt, much is yet to be learned; indeed, it is not improbable that a study of other sources will develop errors in what I have said in this paper.

*Most of the authorities are agreed that Saint-Denis' first name was Louis; Le Page Du Pratz calls him Luchereau; Margry writes it Louis Juchereau. Father Schmitt is undoubtedly correct in saying that the Saint-Denis of Louisiana and Texas must not be confused with the Juchereau de Saint-Denis who played a part in the history of Canada; they are both mentioned in the same sentence in Margry's *Découvertes et établissements des Français dans l'ouest et dans le sud de l'Amérique septentrionale*, vol. V, p. 426.

†Edmond J. P. Schmitt, *Who was Juchereau de Saint-Denis?* the *Quarterly*, January, 1898, pp. 204-206.

The first mention which I have been able to find of Saint-Denis occurs in the *Historical Journal of the Establishment of the French in Louisiana*,* which is one of our chief sources of information relative to the early history of that province. The entry in the *Journal*, referring to March, 1700, reads as follows: "On the 22d M. de Bienville set out with B. Saint-Denys and twenty Canadians and Indians to visit the Yatase nation, on the Red river, and watch the Spaniards."† This journey of reconnoissance seems to have been a short one, as Bienville was again at Biloxi within a month. Two months later, May 29, 1700, Saint-Denis was once more sent out "to explore the country in the Red river, and to watch the Spaniards."‡ From 1700 to 1705, he is mentioned three times by the *Journal* as acting in various capacities.||

From Pénicaut's *Relation*§ we learn further that Saint-Denis

*The authorship of the *Journal historique de l'établissement des Français a la Louisiane* is not known; Winsor's *Narrative and Critical History of America*, vol. V, p. 63, says that it "is founded largely upon the journals of Le Sueur and La Harpe, though it is evident that the author had other sources of information. Within its pages may be found a record of all the expeditions dispatched by the colony to the Red River region and to the coast of Texas. The work of compilation was done by a clear-headed methodical man." A translation into English of a part of the work may be found in B. F. French's *Historical Collections of Louisiana*, vol. III. My references are all to this translation. The *Journal* is also published in full in vol. IV of Pierre Margry's *Découvertes et établissements*.

†*Historical Journal*, in B. F. French's *Historical Collections of Louisiana*, vol. III, p. 18.

‡*Ibid.*, p. 19.

||*Ibid.*, pp. 28, 30, 31, 32, 33.

§Pénicaut was at the fort on the Mississippi where Saint-Denis commanded when orders came to abandon it; he was also one of the party who accompanied Saint-Denis on his first trip to Mexico. His *Relation* must be used with caution, as he was fond of embellishing it with a good story; dates, and such facts as he acquired at second-hand can not be trusted. The work has been published in volume V of Pierre Margry's *Découvertes et établissements*. Part of it has also been translated into English by B. F. French in his *Historical Collections of Louisiana*, second series; my references are to the original in Margry.

was in command of a fort on the Mississippi from 1702 to 1705,¹ that the fort was abandoned by order of the governor in the latter year,² that Saint-Denis then returned to Mobile and soon after retired from service and took up his residence at Biloxi,³ where he remained till Lamothe Cadillac arrived in Louisiana in 1713.⁴

In the year following occurred the journey to which so much of romance has since become attached. According to the common account, this journey was undertaken for the purpose of establishing commercial relations with Mexico. John Henry Brown states that Saint-Denis reached San Juan Bautista in August, 1714, fell in love with the commandant's daughter, and soon became her accepted suitor. Gaspardo de Anaya, the governor of Coahuila, also a suitor for the hand of the fair Maria, had Saint-Denis seized and threw him into prison. An offer of release on condition of renouncing the lady's hand was rejected by the Canadian "with scorn." In the meantime Anaya pressed his suit with Maria, demanding her promise to marry him and threatening to put her lover to death in case of her refusal. In reply to this threat she bade the messenger tell the governor that, if he had Saint-Denis executed, "by my own hand or that of a trusted friend, a dagger shall be planted in his cowardly heart." At the end of some six months the viceroy interfered, Saint-Denis was released, received with favor at court, and even offered high rank in the Spanish army; but proffered favors could not make Saint-Denis "forget his mission or his fidelity to the woman who had saved him." While waiting for a reply from the king of Spain upon the business which had brought him to Mexico, he returned to San Juan, where he found the Indians "abroad in arms." He "pursued them alone," and such was the persuasive power of his eloquence that he had little difficulty in putting down the insurrection. "The young Castilian beauty was his reward." After two years' delay, an unfavorable reply of the king to his proposition finally reached him

¹Pénicaut's *Relation* in Margry's *Découvertes et établissements*, vol. V, pp. 425, 431, 439, 459.

²*Ibid.*, pp. 459, 460.

³*Ibid.*, p. 460.

⁴*Ibid.*, pp. 476, 495. Pénicaut says Lamothe Cadillac arrived in 1712, an error of a year.

and he returned to Mobile. On a second trip to Mexico, he had all his goods seized and was again imprisoned. Once more the heroine came to the rescue, her influence aroused her relatives, secured the forcible release of her husband, and compelled the viceroy to pay for the misappropriated goods.*

*John Henry Brown, *History of Texas*, vol. I, pp. 13-18. It is interesting to speculate on the origin of this story. It is told by Charles Gayarré in his *The Poetry, or the Romance of the History of Louisiana*, and it is probably from this source that it has made its way into Texas history. Yoakum refers to both Gayarré and Le Page du Pratz, but he is indebted to the former for the greater and least trustworthy part of the narrative. Gayarré's *The Poetry, or the Romance of the History of Louisiana* must be carefully distinguished from his second and third series of lectures on the history of Louisiana. These works appeared originally as three distinct series of lectures, but, bound together, they make up that author's four-volume *History of Louisiana*. The first series of these lectures, *The Poetry, or the Romance of the History of Louisiana*, which contains the story of Saint-Denis substantially as related above, is avowedly unhistorical; Gayarré confesses (*History of Louisiana*, vol. II, Preface) that he was gamboling with his imagination in these lectures, and that he looked upon the series "at the time as *nugae seriae*, to which I attached no more importance than a child does to the soap bubbles which he puffs through the tube of the tiny reed, picked up by him for the amusement of the passing hour." (*History of Louisiana*, vol. II, Preface.) He claims that the second series of lectures, *Louisiana; Its History as a French Colony*, is at least founded on facts; the third series, the last three volumes of the *History of Louisiana*, is reliable, and is the work on which the author's reputation rests.

I quote from below two passages from Gayarré's version of this story in order to furnish an example of the heroic style of this part of his work, and at the same time afford, in a small way, a basis for comparison with Brown's account. Referring to Anaya's offer of release to Saint-Denis, Brown is content to say that the proposition was rejected "with scorn." This is too tame for Gayarré, who puts it thus: *How swelled the loyal heart of the captive at this base proposal! He vouchsafed no answer, but he gave his oppressor such a look as made him stagger back and retreat with as much precipitation as if the hand of immediate punishment had been lifted up against him.* (Vol. I, p. 170.) Again, compare the reply of Maria to the proposal of Anaya as given above with the following as recorded by Gayarré: "Tell Anaya that I can not marry him as long as St. Denis lives, because St. Denis I love; and tell him that if St. Denis dies this little Moorish dagger, which was my mother's gift, shall be planted, either by myself or my agent's hand, in

It is not my purpose to say caustic things about the writers of Texas history. Mr. Brown's book, from which the above account is taken, is, in very many respects, a most excellent and creditable production. Nor is he the only author that has accepted this pleasing story of love and adventure. It is to be found, with more or less variation in the works of Yoakum,¹ Kennedy,² Mrs. Pennybacker,³ and perhaps others. Suffice it to say that the story has little or no foundation in fact, and even what little truth there is in it has been distorted almost beyond recognition by these accounts. A more serious criticism is that the real importance of Saint-Denis' mission to Mexico has been obscured, indeed totally neglected, in an attempt to capture the imagination with the details of an heroic incident. It is difficult to find moderate terms in which to express one's condemnation of the methods of investi-

the middle of his dastardly heart, wherever he may be." This was said with a gentle voice, with a calm mien, as if it had been an ordinary message, but with such a gleam in the eye as is nowhere to be seen except in Spain's or Arabia's daughters. The words, the look, and the tone, were minutely reported to Anaya, and he paused. (Vol. I, p. 171.) I hope that some one may be able to prove that our historians did not accept as serious such an account as this.

But where did Gayarré get the story? Very probably it is an elaboration of the account given by Pénicaut in his *Relation*, which I have already mentioned. Pénicaut, so far as I know, is the only contemporary authority that introduces the Governor of Coahuila into the narrative, or calls the commandant at San Juan by the name of Vilesea (not Villescas, as Gayarré has it, nor Villesecas as it occurs in Brown). Many of the particulars of the long story of Saint-Denis' adventures in Mexico told by Pénicaut are repeated by Gayarré in almost the same language and, I believe, are to be found nowhere else. Suffice it to say that Pénicaut is our least reliable authority for this portion of the story, and even he does not say a word about the rivalry between Saint-Denis and the Governor of Coahuila. That portion of the story, and consequently most of the romance, is probably an invention, pure and simple, of Charles Gayarré. That Brown drew his account from Gayarré and not from Pénicaut is evident from the fact that he copied the romantic details added by Gayarré, which do not appear in the *Relation*.

¹Yoakum, *History of Texas*, vol. I, pp. 47-50.

²Kennedy, *Texas*, vol. I, pp. 218, 219.

³Mrs. Pennybacker, *A New History of Texas*, revised edition, pp. 22-24 and note.

gation that have allowed such a tale to become a part of our serious history.

In the reconstruction of this chapter in our early history we must, of course, depend upon the accounts left us by the contemporaries of Saint-Denis. Besides the *Historical Journal* and Pénicaut's *Relation*, which I have already mentioned, the most important of these from the French point of view are the memoirs of Dumont,¹ Charlevoix' *Nouvelle France*,² and the *Histoire de la Louisiane* of Le Page du Pratz. The last mentioned, who lived in Louisiana from 1718 to 1734, and who used the memoirs of Saint-Denis in compiling his work,³ is probably our best authority on this incident. A very important Spanish authority which I have used in the preparation of this paper is the *Testimonio de un Parecer*, a summary of events in Texas from the time of La Salle to 1744, at which date the document was written. The author evidently had access to reliable reports concerning Saint-Denis, and it will be seen that the Spanish account substantially confirms the French.⁴

According to Le Page du Pratz, the immediate occasion of the journey of Saint-Denis to Mexico was a letter which reached the French governor from a Spanish ecclesiastic, Ydalgo (commonly written Hidalgo) by name, in which the father asked the aid of the French in establishing a mission among the Assinai's (or Cenis) Indians.⁵ This seems to have been precisely the opportunity which the governor was seeking. It will be remembered that in 1712 Louisiana had passed under the control of Anthony Crozat, who looked upon it merely as a commercial establishment and cared little for the claim which France held to the great territory of Texas.

¹Dumont, a French officer, was stationed in Louisiana during at least the last years covered by this paper. The full title of his work is *Mémoires historique sur la Louisiane*; I have had access only to the translation of a part of the work in vol. V of B. F. French's *Historical Collections of Louisiana*.

²I have not had access to this work.

³Le Page du Pratz, *Histoire de la Louisiane*, vol. I, p. 178.

⁴It has been printed in Spanish in Yoakum's *History of Texas*, vol. I, Appendix, pp. 381-402.

⁵Le Page du Pratz, *Histoire de la Louisiane*, vol. I, p. 10.

If the trade of Louisiana could be increased by winking at the Spanish occupation of Texas, Crozat's governor was ready to be seized with impenetrable blindness in that direction. He believed a Spanish mission in what is now eastern Texas would be of great commercial advantage to the French, particularly in the matter of furnishing Louisiana with horses, cattle, and silver;* hence Saint-Denis was despatched to Mexico to assist the Spaniards in making the establishment in Texas on the condition that the trade of the country should be opened to the French.† Accompanied by ten men, he finally reached the presidio San Juan, near the Rio Grande.‡ The commandant of this post, Don Diegue (Domingo

**Ibid.*, p. 11.

†*Ibid.*, p. 11.

‡The *Historical Journal* (French's *Historical Collections of Louisiana*, vol. III, pp. 43, 46) says that Saint-Denis was sent to Texas to learn all he could concerning the Spanish missions in that country. Nothing is said about trade. After satisfying himself that there were no Spaniards among any of the tribes that lay between the French settlements and the Assinaïs, he returned to the Natchez on the Mississippi. Five Canadians joined him, and he again entered Texas. At the village of the Assinaïs his party was increased by the addition of twenty Indians of that tribe, who accompanied him to San Juan.

According to the *Testimonio de un Parecer* (Yoakum, vol. I, Appendix, p. 390), Saint-Denis was sent to Texas to purchase live stock from the missions which he expected to find somewhere in that country. Disappointed in this, he sent back most of his men and continued the journey to San Juan with three companions.

Pénicaud (in Margry's *Découvertes et établissements*, vol. V, pp. 494-500), who was one of the party, states that Saint-Denis was engaged by Lamothe Cadillac to go to Mexico and attempt to open commercial relations with the Spanish; he set out with a quantity of goods and twenty-two men; a halt was made among the Natchitoches and ten men were left to hold a post established there; the Assinaïs furnished guides and after nearly two months of travel from Natchitoches, the party reached San Juan.

According to the statement made by Saint-Denis on his arrival at San Juan, the substance of which is given by Margry (*Découvertes et établissements*, vol. VI, p. 218), twenty-one of his men returned to Mobile from the Assinaïs, and he was attended on the rest of his journey by only three Frenchmen and twenty-five Indians.

We learn from an extract from a letter written by Lamothe Cadillac (Margry, *Découvertes et établissements*, vol. VI, p. 197) that Saint-Denis told the viceroy "conformably with his instructions that his gov-

or Diego) Raimond¹ (or Ramon), evidently regarded his mission with favor; but as the Spanish law forbade the intrusion of foreigners, he detained Saint-Denis while a messenger set out for Mexico to ask permission for the Canadian to present himself at the viceroy's court.²

In the meantime Saint-Denis succeeded in winning his way into the affections of the family at the presidio. A widowed daughter of the commandant is said to have called into exercise her match-making skill, and before Saint-Denis left San Juan he was engaged to the granddaughter³ of Don Diego, the niece of the match-maker.

The desired permission to proceed to Mexico was at last received, and he found himself in that city on the 5th of June, 1715. The viceroy Linares is represented as very favorably inclined towards the French, though there was a strong party in Mexico that cherished bitter feelings against their old enemy. It may be that Linares was really disposed to favor the scheme of the Canadian, or it may be that his professions were only pretended in order to secure the inactivity and even gain the help of the French,—at any rate, according to Le Page du Pratz, an agreement was soon reached that Saint-Denis should assist the Spaniards in establishing missions in Texas, and the promise was held out that commercial privileges would then be granted to the French.⁴

ernor had sent him with twenty-five men to Father Hidalgo" to buy cattle, and, not finding the padre, he had continued his journey to Mexico.

Le Page du Pratz is, I think, the only authority who mentions the letter from Hidalgo to the governor of Louisiana. Le Page du Pratz probably reflects Saint-Denis' own version of the story, so we should be cautious about accepting the motives attributed to Lamothe Cadillac, with whom Saint-Denis was not always in harmony.

¹Not Villescas or Villesecas, according to the common story.

²Le Page du Pratz, *Histoire de la Louisiane*, vol. I, pp. 12, 13.

³*Ibid.*, p. 14. The *Historical Journal* (French's *Historical Collections of Louisiana*, vol. III, p. 46) and the *Testimonio de un Parecer* (Yoakum, vol. I, p. 391) say that this lady was the niece of the commandant. Brown (*History of Texas*, vol. I, p. 13) calls her the commandant's daughter.

⁴Le Page du Pratz, *Histoire de la Louisiane*, vol. I, pp. 14, 15. The *Testimonio de un Parecer* (Yoakum, vol. I, p. 391) says nothing of the promises made to Saint-Denis.

On his return to San Juan the marriage with the granddaughter of Don Ramon was celebrated, and soon after Saint-Denis joined the Spanish expedition which had for its object the occupation of Texas. On reaching the country of the Assinai's, the Indians were called together, and Saint-Denis, who had great influence among them, exhorted them to receive the Spaniards and to treat them well.¹ On August 25, 1716, he was again at Mobile.²

In this way the group of missions between the Trinity river and Natchitoches came into existence with the acquiescence of the French. There is no trace in this story as told by the contemporary French chroniclers, except Pénicaut, of anything but the best of treatment. Certainly there is not a word about imprisonment, and the governor of Coahuila³ is not even mentioned.

The governor of Louisiana was "charmed" with the success of Saint-Denis' mission, in spite of the fact that it involved the tacit abandonment of French claims to the country west of the Red river. He proposed to Saint-Denis to return to Mexico at once, this time with goods. But goods were not easily obtained. The warehouses of Crozat were well filled and he was growing every day more discouraged because of the difficulty of disposing of them. Yet on this occasion Saint-Denis' application was declined by Crozat's agents, and even the interference of the governor could not open the stores to him. Probably such a venture was regarded as too hazardous. Finally, in October, 1716, some two months after Saint-Denis' return from Mexico, a company was formed of the most substantial men in the colony, and the agents of Crozat agreed to advance merchandise to the amount of 60,000 livres.⁴

The commercial privileges which perhaps had been half promised by the viceroy had not yet been extended to the French, and

¹Le Page du Pratz, *Histoire de la Louisiane*, vol. I, pp. 16, 17.

²*Historical Journal* (French's *Historical Collections of Louisiana*, vol. III, p. 47).

³Martin de Alarcon, not Gaspar de Anaya, was governor of Coahuila during the years covered by this story. (Baneroft, *North Mexican States and Texas*, vol. I, p. 604.)

⁴Le Page du Pratz, *Histoire de la Louisiane*, vol. I, pp. 17, 18. The amount of goods and the dates are taken from the *Historical Journal* (French's *Historical Collections of Louisiana*, vol. III, p. 47).

Spanish law forbade even the entrance of a foreigner into Mexico. Any goods introduced in the manner here proposed were, of course, contraband and subject to seizure. The harsher term which we apply to such an act as the French traders contemplated is smuggling. The character of this second trip is, to some extent, cleared up by the significant fact that the goods were made to appear as belonging wholly to Saint-Denis.* He probably depended upon his connection with the family of a Spanish officer and the favor with which he was regarded by the viceroy to protect him in the violation of the law. It is very probable, too, that he sought to quiet suspicion by spreading the report that he had returned to enter the service of Spain, and that the goods which he brought with him were his personal effects.† This supposition at least clears up many of the difficulties, and it is not at all inconsistent with the character of the man; we learn from Lamothe Cadillac that Saint-Denis "was not very zealous in the service of the king" of France,‡ and Bancroft declares that he was paid by the Spanish government for lending his aid in establishing the missions in Texas.¶

The winter of 1716 was passed by the traders among the Assinaï's Indians and the following March found them again on the road for San Juan, Saint-Denis probably going on in advance.§ It seems that a disagreement occurred among the members of the company while at San Juan, perhaps as to the price which should be paid the Spanish officials as hush money, and the secret as to the ownership of the goods leaked out. As a result, confiscation

*Le Page du Pratz, *Histoire de la Louisiane*, vol. I, p. 19.

Saint-Denis opposed the organization of this company, particularly when he learned that some of its members proposed to make the trip with him. He insisted that these members be instructed to make it appear that they were his employes and that the goods belonged to him alone. The *Historical Journal* does not mention this.

†*Testimonio de un Parecer*, Yoakum, vol. I, p. 391.

‡Letter from Lamothe Cadillac in Margry's *Découvertes et établissements*, vol. VI, p. 197.

¶*North Mexican States and Texas*, vol. I, p. 611.

§The *Historical Journal* (French's *Historical Collections of Louisiana*, vol. III, p. 49) states that Saint-Denis reached the presidio in advance of the company, lost his goods by seizure, and had already set out for Mexico when the rest of the party arrived. The dates in the various accounts do not agree.

was imminent, and it is not unlikely that some of the goods were actually seized. To prevent total loss, Saint-Denis hurried on to Mexico to secure the intervention of his friend the viceroy.*

But affairs went ill for the trader. The friendly viceroy had been superseded by one whose attitude, says Le Page du Pratz, was as hostile as that of Linares was favorable. Priestly jealousy had also raised up an enemy in the person of Padre Olivarez, who is represented as jealous of the ecclesiastics who had successfully made the establishments in Texas under the protection of Saint-Denis.† Don Martin de Alarcon, the governor of Coahuila and Texas, was also unfriendly, and reported that Saint-Denis had entered the province without the proper passport and had brought goods with him which were not wholly his own.‡ Circumstances thus combined to wreck the hopes of the Canadian. He was arrested and imprisoned as a suspicious character. Most of his goods, which had been sent on to Mexico by Don Ramon, were seized as contraband, and it seems that he lost all but a bare sufficiency to satisfy certain expenses of justice.¶ He was kept in prison some two months, and when released was ordered to remain within the limits of the city; nine months more elapsed, and he finally succeeded, after forcibly dispossessing a Spaniard of his horse, in effecting his escape. He passed by San Juan, but stopped only to clandestinely visit his wife in the garden of the fort, and arrived safe in Louisiana on April 2, 1719.§

*Le Page du Pratz, *Histoire de la Louisiane*, vol. I, p. 19.

The *Historical Journal* and the *Testimonio de un Parecer* do not mention these details.

†Le Page du Pratz, *Histoire de la Louisiane*, vol. I, p. 20.

‡*Historical Journal*, in French's *Historical Collections of Louisiana*, vol. III, p. 63. Of course, even if the goods belonged wholly to Saint-Denis, their introduction would still be illegal, unless he was really removing, with permission, to enter Spanish service.

¶According to the *Historical Journal*, he obtained the release of his goods, but lost the proceeds through the faithlessness of a friend, who squandered the money entrusted to him.

§Le Page du Pratz, *Histoire de la Louisiane*, vol. I, pp. 20, 21. The *Historical Journal* says he was aided in making his escape by the relatives of his wife. There is no foundation for the story that his wife accompanied him from San Juan to Louisiana. She was sent to him later.

There are few incidents in the early history of Texas which have a greater importance than the one that I have sketched above. An impartial observer living in the first years of the eighteenth century would have found the greatest difficulty in forecasting the future of the extensive, but then unoccupied, domain which we now call Texas. Its situation made it the logical battle ground of the French and Spanish in America. Both claimed it and both had made ineffectual attempts to occupy it. The important feature, then, of this journey of Saint-Denis, even more interesting and certainly more essential in determining the destiny of Texas than the stage-like declamation of Doña Maria, is the good understanding that was seemingly established between the French and the Spanish, and the acquiescence of the former in the founding of the Spanish missions almost at their very door.

We have seen from the above sketch that commercial ideas were then dominant in the government of Louisiana; both Spanish and French sources agree that Saint-Denis warmly advocated the planting of the Spanish missions near the French settlements—indeed, it is not improbable that he was sent to Mexico for the express purpose of reintroducing the friars into Texas; we have seen that the governor of Louisiana was “charmed” with the result of the first trip, and we further learn from Le Page du Pratz that a little later Saint-Denis was made a Knight of St. Louis in recognition of and as a reward for his services. The meaning of all this seems to be that the business-like Crozat cared little for the French claim to Texas, and willingly relinquished it in return for the prospect of a friendly trade with Mexico through the Spanish missions. On the other hand the Spaniards were made to realize the danger which might arise from the proximity of the settlements in Louisiana, and so took immediate steps to secure the country to Red river. The year 1715, says Yoakum, “may be considered the year of missions in Texas.” The occupation was permanent; San Antonio and other posts which were founded on this occasion were never afterwards abandoned.

However charitably we may be inclined to view the matter, we must severely criticise certain of our Texas historians for beclouding this really important episode with a mass of romantic details, and for failing to point out the true bearing of Saint-Denis’ jour-

ney to Mexico upon the final destiny of Texas. Yoakum especially should not have gone astray in this matter, as he seems to have had access to reliable sources of information in both Spanish and French; indeed, he is often on the point of assigning to Saint-Denis his true place in our history, but the brilliant fiction of Gayarré, in the end, proved too fascinating to be omitted; after reading many pages of interesting matter, truth mingled with fiction, we close Yoakum with an uncomfortable feeling that Saint-Denis' importance consists in his having laid out the San Antonio Road.*

In censuring the historians of Texas for accepting this story on insufficient evidence and for failing to interpret correctly the larger movement of events during these years, an honorable exception should be made of the work of H. H. Bancroft. The materials used by this author so far as concerns the story of Saint-Denis were mostly Spanish, including a number of documents which have never been printed. The facts derived by Bancroft from the Spanish sources are substantially in accord with the statements of the French writers whom I have followed in this article. There is no imprisonment of Saint-Denis on his first visit; his love affair is indeed mentioned, but it is not given more importance than is accorded to the occupation of Texas by the Spanish; we learn from Bancroft, too, that the Spanish authorities were aroused to a better realization of the value of Texas and to a clearer understanding of the danger that threatened from Louisiana, and, in consequence, at once bestirred themselves to take possession of the country. Bancroft also agrees with the French account that Saint-Denis' arrest occurred on his second trip and for the reason that the Spanish officials had grown suspicious of his intentions.†

It must be a matter of keen regret to all who feel an interest in such questions as this that the State of Texas has as yet shown little interest in collecting the sources of our early history. Documents in Mexico, in Spain, and in France must be copied and made

*Yoakum, *History of Texas*, vol. I, pp. 47-52; 65-66. Mrs. Pennybacker (*A New History of Texas*, Revised Edition, p. 24) seems to arrive at the same conclusion.

†H. H. Bancroft, *North Mexican States and Texas*, vol. I, pp. 609-614.

accessible to Texas writers before this period can be satisfactorily understood and explained. Other States have spent large sums in procuring historical data from the archives of the European countries. The State of Texas, the University of Texas, and the Historical Association of Texas can not with impunity long shirk this duty, which the world demands and expects of them. If one questions the importance of such matters he has but to look into our histories and read the story of Saint-Denis. Even the children in our schools are taught the pretty tale of love and adventure and leave the subject without knowing that they have been studying an event which materially influenced the ultimate destiny of the State in which they live,—which, in a great measure, decided that Texas should be Spanish and not French, that the boundary between the United States and Mexico should be the Sabine and not the Rio Grande. Fictions of adventure and of heroic and manly deeds are good things for children, and even for mature men, to read and enjoy; but they should not be read in text-books of history. The story of Saint-Denis is but one of a large number of such fictions that have embedded themselves in our serious histories where one expects to find scholarly investigation and accurate statement. They can be weeded out only by bringing together and making accessible the books and documents from which we must derive our information of the Spanish period of our history.

The documentary sources relative to the subject of Saint-Denis seem to be especially abundant. I have already mentioned at some length Dumont's memoirs, Penicaut's *Relation*, Le Page du Pratz's *Histoire de la Louisiane*, the *Historical Journal of the Establishment of the French in Louisiana*, and some others; these are contemporary French accounts; they are by no means all the French sources on this subject, but, so far as I know, they are the most important. The Spanish accounts relative to this period are also particularly abundant. The *Testimonio de un Parecer* has been mentioned. The sworn statement which Saint-Denis made on his arrival at San Juan as to the object of his journey now probably reposes in the archives of the Mexican Republic. The minutes of the *junta de guerra* of Dec. 2, 1716, held to discuss questions as to the defense of Texas which Saint-Denis' appearance had aroused, rests in the repository; this document covers several manuscript

pages and is styled by Bancroft "the best narrative extant of Texan annals from 1789.*" The account of the return of Saint-Denis to Texas accompanied by the Spanish friars and soldiers, and of the actual occupation of the country by the Spanish, is contained in the voluminous official report of Don Ramon who commanded the troops on that occasion. The same story is told from the ecclesiastical point of view in the works of the padre Espinosa who was one of the friars in charge of founding the missions among the Texas Indians. The works of this friar have been published, but I doubt if there exists today a copy in the entire State of Texas. A search among the church archives at Querétaro and Zacatecas may unearth reports that will throw much new light on this subject. Saint-Denis' *Declaracion*, the minutes of the *junta de guerra*, and Don Ramon's report have, I believe, never been published.

It is not my purpose here to follow the history of Saint-Denis beyond his return to Louisiana in 1719. This can be done successfully and in detail only when more of the sources are available than I have at hand. I may be pardoned, however, for calling attention to another conspicuous error which has become a part of at least two of our histories of Texas. At the time of the great Natchez uprising against the French in 1728, it seems that Saint-Denis was in command of a small garrison at Natchitoches. During the progress of the war the Indians sent a force to destroy this post and dispose of one of their most dreaded enemies. They attempted to gain entrance into the fort under pretense of restoring a captive woman, but their intentions were suspected and admission to the fort denied them. They then burned the captive before the eyes of the French, constructed some kind of fortification, and began a siege. I compare below in parallel columns the account of the fight that followed as given by Brown's History of Texas and the story of the same incident as told in Dumont's memoirs.

*Bancroft, *North Mexican States and Texas*, vol. I, p. 613. 1789 is evidently a misprint for 1689.

BROWN.

St. Denis hastily sent messengers to his friendly Indians, and with twenty men from the fort at once made a furious attack upon the Natchez. At the first onslaught all his men but eight were killed. For two hours he fought against desperate odds, hoping that reinforcements would arrive. "He was seen," says an historian of the time, "springing like a lion among the crowd of warriors, forcing them back. He looked like an angel of vengeance accomplishing his work of destruction, invincible himself in the terrible fray. He fell at last hit by three bullets in his head and two arrows in his breast." There were but two survivors. The Natchez ceased firing and retired.†

DUMONT.

They [the friendly Natchitoches who came to aid St. Denis] reached the fort, and were brought in by night, and the commandant [Saint-Denis] having armed them, sallied out at the head of his troops the next morning at daybreak, entered the Natchez intrenchment and fell upon them sword in hand. Many were killed; the rest awakened by the noise, fled, but were pursued with muskets, and after killing about sixty of the savages, the commandant returned to his fort in triumph, without having had a single man wounded, giving the survivors liberty to return to their village and tell what reception they got at Natchitoches.*

**History of Louisiana*, translated from the *Historical Memoirs of M. Dumont*, in B. F. French's *Historical Collections of Louisiana*, vol. V, pp. 97, 98.

†John Henry Brown, *History of Texas*, vol. I, pp. 18, 19. Who was the "historian of the time" referred to by Brown? Certainly it was not one of the contemporary writers whose journals have been published in French's *Historical Collections of Louisiana*, or in Margry's *Découvertes et établissements*. Le Page du Pratz gives substantially the same version as Dumont. Bancroft, who was familiar with the Spanish sources, evidently knew nothing of the version given by Brown, or else regarded it as untrue. It is not found in Gayarré or Yoakum. Rev. Edmond J. P. Schmitt (*Who was Juchereau de Saint Denis?* THE QUARTERLY, January, 1898, p. 206) calls attention to this error of Brown's, and mentions a letter that was written by Saint-Denis in 1735, some six years after the above described attack on Natchitoches.

THE OLD MEXICAN FORT AT VELASCO.

ADÈLE B. LOOSCAN.

In pursuance of a policy inimical to the interests of American colonists in Texas, and expressed in the decree of April 6, 1830, Mexican forts were built at Anahuac and Velasco. In 1832 the Velasco fort was invested with a garrison of one hundred and twenty-five men, under Colonel Domingo Ugartechea. Its location on the east bank of the Brazos river, just where the river emptied into the Gulf of Mexico, gave full command of all commerce entering the river. History contains no charge of arbitrary conduct on the part of Ugartechea, as was the case with Bradburn at Anahuac, and it was only when the fighting qualities of the commander and garrison bore the test of a severe battle that the fort became permanent. The hotly contested and bloody engagement of June 26, 1832, confers upon Velasco an honorable place in the annals of heroic warfare. The fort long remained a monument to the bravery of the men who participated in the battle, but history is silent as to its subsequent uses. The question arises, was the fort repaired and manned by the government of the Republic of Texas, and when was it finally abandoned? A partial answer is contained in the experience of an old and highly respected resident of Brazoria county. Col. M. S. Munson, who, as a boy spent the summers with his family at Velasco, recalls an incident connected with a fort at that place occupied by a garrison of the Republic of Texas. While the date of the occurrence is not accurately fixed, it was some time prior to 1841. The facts are as follows: Among the officers of the fort at that time were Lieut. Redfield and Dr. Lynch, the latter held in high esteem as surgeon and citizen. One morning, about sunrise, as young Munson looked from his bedroom window, he saw a number of men not far from the house, and noticed that pistols were given to two of them, who were placed at a short distance from each other. A duel was on hand, which resulted in the death of Dr. Lynch, who fell at the first fire of Lieut. Redfield. Dr. Lynch was a general favorite in the community, and his sudden death made a deep impression upon the witness.

The fort built by the Mexicans is described by some writers as a log cabin fortress, but according to the recollection of many who remember its construction, it was not built in the log cabin style; logs were used, but in the manner of a stockade. The description by Col. Guy M. Bryan, who saw it when entire, and again when in ruins, is about as follows: The fort was circular in shape and composed of sound drift logs set perpendicularly in two circular rows, the space of several feet between them being filled in with sand. A mound of sand in the center, raised above the pickets, was surrounded with wood to prevent the sand being blown off. On this mound was mounted a nine-pound cannon, which was on a swivel so as to make a complete circuit guarding the mouth of the river; it could not, however, be depressed so as to protect the immediate vicinity, hence on the night of the attack by John Austin, it could not play upon the Texians close to the fort, but was used against the schooner *Brazoria*, commanded by Capt. Wm. J. Russell.

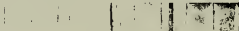
The exact location of the old fort is attended with difficulty, on account of the changes wrought by winds and waves. In the course of sixty-six years accretions of land on the eastern shore of the river had been so marked, that a certain locality known to old residents as the site of the old fort, and which was quite near the river bank and gulf shore, is now several hundred feet from the former, while the gulf shore line extends a full quarter of a mile or more beyond its early boundary. These changes were effected chiefly by the destructive storms of 1875 and 1886, which submerged nearly all this low lying coast region.

Mrs. Ellen A. Shannon, who was born at Velasco in 1841, her parents, Henry C. and Pamela Wilcox, having moved there in 1837, gives a reliable account of the site of the old fort, which, she says, is now marked by her own residence. She lived at Velasco continuously until August, 1863, when she and her husband, James T. Shannon, moved away, not returning until June, 1867. Before their departure, her husband had often called her attention to one of the posts or upright logs of the old fort, with muskets stuck in it. During the civil war the Confederate soldiers used all the fences, posts, etc., of every kind for firewood, and probably every piece of iron that pertained to the accoutrements of an army.

Still, in 1875 the severe storm revealed evidences of the location of the old fort, for, according to Mr. A. G. Follett, Sr., it washed up a number of small Mexican coins of the value of twenty-five cents and a small copper cannon ball on its site. The same authority, who settled at Velasco in 1838, agrees that Mrs. Shannon's house now marks the spot where once stood the old fort. Her house was built in 1887, in consequence of the one previously occupied by her having been seriously damaged by the storm of 1886. It is a plain wooden structure, one story high, containing about four or five rooms, with a neat flower garden in front.

There are remains of forts built by the Confederate States government, in the neighborhood of Quintana and Velasco, whose earthworks rise to a considerable height above the surrounding level. The one on the west bank of the Brazos river, about a mile above Quintana, commands a long stretch of water; near the new town of Velasco are the remains of another, and still another lies on the east side of the river, at the drawbridge across the canal, which connects the Brazos river with West Galveston Bay. The existence of these remains of a former government in the same locality with the old Mexican fort is liable to cause confusion in the minds of future searchers after true historic localities.

The consensus of opinion of those who have known the country since its earliest settlement agrees in the location of the fort on the site indicated.



RECOLLECTIONS OF EARLY SCHOOLS.

M. M. KENNEY.

The first school which I remember, though I did not attend it, was in Austin's colony in 1835, and was taught by an Irishman named Cahill. My older brother, aged about eight years, was one of the pupils of that primitive academy, which was distant about two miles from our house, and the way was through the woods without any road or path. When he started to school, our father was absent and mother went with him, carrying a hatchet to blaze the way.

Of the discipline of the school and its studies, I only know that my brother, in relating the experience of several of the boys, made the impression on me that the rod was not spared; and my recollection of the books is reduced to the arithmetic, which I afterwards studied, in which the primitive rules were illustrated by engravings; that for subtraction being a bunch of grapes, showing in successive pictures how, after eating two, three, etc., so many remained. Thinking that this must have been the work of a little boy like myself, I put the lesson into practice by purloining from a basket of "forbidden fruit" and then producing the arithmetic as authority for the appropriation—a sally which mother allowed to condone the little sin.

The next school which I remember, though I did not attend that either, was taught in 1836, at a place called Mt. Vernon, now in Washington county, by Miss Lydia Ann McHenry, a maiden aunt who lived with us. The school was at the house of Mr. Ayers, a public spirited man, who was one of the principal settlers there. I think that Mrs. Ayers and Miss McHenry joined in teaching, and they intended to make it a permanent school, but the war of the revolution interrupted and it was never renewed. I was then four years old. My sister, two years older, attended, and, as it was twenty miles away, was of course absent from home, which left me very lonesome. How long it was I do not know, but it seemed an age, and I had about given her up and ceased to grieve, when one

day as I was playing under a tree before the door I heard my name called and looking up saw aunt and sister alighting from a carriage at the gate. I was so surprised and overjoyed that I cried instead of laughing—the only time I remember shedding “tears of joy”; but had I known the cause of their coming, tears would not have been out of place; it was the news of the fall of the Alamo.

After a perilous delay, father returned from the army to remove his family, and when we crossed the Brazos we heard the drums in Santa Anna’s army at San Felipe.

The next school which I remember was at our own house in 1837. Miss McHenry taught a boarding school for girls and mother at the same time a class of boys. There were in all twenty or more lodged and boarded as best we could in our unfinished cabins in the wilderness. A brave and cheery little company,

“Whom, borne on fancy’s eager wing
Back to the season of life’s joyous spring
I pleased remember.”

If I were a poet I would echo their laughter and portray their plays in a volume which should perpetuate their little history and the fragrance of the primeval wilds would be wafted through its pages.

The studies were of every grade. The pupils were carefully instructed in the art of reading well, and as a help to that end were encouraged to memorize verses, some of which I can still repeat from hearing them recited so long ago. I remember also hearing them recite their grammar and spelling lessons, but of course I could not tell how well. Had the school been sustained so that adequate accommodations could have been provided, it would probably have had a notable influence in the country. But it did not prove financially successful, and after two or three sessions it was discontinued.

I have a vivid recollection of learning the alphabet when I was about four years old, and mother, who was my teacher, also remembered the difficulties of the task. The letter t, of the minor type, was the greatest stumbling block. I called it p, and remember that I thought it was meant for a picture of a pig. The letter s I learned at once, because I thought it was a picture of a snake, and I knew that creature hissed. Men of science gathering data

from ancient monuments of the East, where the childhood of the world is in some measure recorded, and from barbarous tribes where that state continues, have now at last caught up with the former discoveries of the four-year-olds and announce that the alphabet was originally pictures, which the exigencies of convenience and rapid use had even in very ancient times shortened into conventional signs; the foreign names of the things represented having probably prevented us from observing the same as a familiar fact. If the cultivators of science would study the mental images formed by those original explorers of the world, the three and four-year-old children, they might find hieroglyphics more significant than any that were ever sculptured on Egyptian obelisk or propylon.

I do not know when I learned to read. Mother attended to that in the very early morning of life, but I could already spell and read very well for a child of seven, when I first went to school. It was taught in an unfinished new school house about two miles from home, to which my brother and I walked every day. The teacher proved inefficient, and after a very brief session the school closed.

The next school was at the same place in 1838 or 1839, taught by Mr. Dyas, an old Irish gentleman, and I think a regular teacher by profession. The session was three or four months and the studies miscellaneous, but the discipline was exact. He had an assortment of switches set in grim array over the great opening where the chimney was to be when the school house should be completed. On one side was the row for little boys, small, straight and elastic, from a kind of tree which furnished Indians with arrows and the schoolmaster with switches at that time. I remember meditating upon the feasibility of destroying all that kind of timber growing near the school house. My terror was a little red switch in that rank which I caught too often, usually for the offense of laughing in school. The larger switches were graded, partly by the size of the boys and partly by the gravity of the offense, the gravest of which was an imperfect lesson. The third size of rods was of hickory; tough sticks, which he did not use on the little boys, but which he did use on the larger scholars, without the least hesitation or reserve, if they failed to get the appointed lesson or were derelict in any of their duties. The fourth size of switches was of oak and would have been better called clubs. These he applied

more in the style of the shillalah than of the ferule to the largest boys. Some of them ran from him, but none ever struck back, it being a point of honor not to strike the teacher, though I sometimes fancied that he looked disappointed that he did not have a more interesting bout with them. I do not remember that he ever whipped any of the girls.

As for the studies, we all had Webster's spelling book, and were ranked and classed according to our proficiency in that great classic. I have forgotten my relative rank at that time, and but few attained the end. The last few pages contained some stories and fables, intended for reading lessons, illustrated with engravings, and the last of these had a picture of a wolf, by some accident well executed—a fact which tended to establish the book in our estimation, because we saw wolves every day. "The picture of the wolf in the spelling book" thus became the synonym of graduation. Whether it originated with us or not I do not know, but the expression was long used in a humorous sense as equivalent to a diploma, and when it was said of a boy that he had studied to "the picture of the wolf in the spelling book" his proficiency was not afterward questioned. The best class in reading used a text-book called "the English Reader," consisting of extracts from the writings of eminent authors, chiefly dry didactics and some poetry. My brother was in that class and also in a class by himself reading Goldsmith's History of Greece. The pupils brought such books as they happened to have, and one young man had Robinson Crusoe for his reading book. His recitations interested me greatly, but I apprehended that my attention was given to the adventures of Crusoe rather than to the teacher's precepts for reading well. Several had Weems's Life of Washington, in which the story of the little hatchet and the cherry tree was most impressed upon our memory. It grieves me yet that criticism has thrown doubt on the verity of a story which so successfully impressed children with the honor of veracity. One boy had an illustrated edition of Goldsmith's Natural History, and there were a variety of other books, nearly all by famous authors.

We had a variety of arithmetics, and it was during this school that a consignment of new slates and pencils arrived, not enough to go around, but some of the boys got a new outfit. The impression it made on me was one of surprise at the seeming abundance

of the material. From the care which we had to take of our fragments of old slates and stubs of pencils I had somehow imbibed the idea that with their going the world would see the last of the slates; but here, to my relief, I found that the supply would keep up with the forest of switches which I had in mind to extirpate. There were no classes in arithmetic; each boy ciphered through his text-book as fast as he could, and the stern teacher pointed to the errors with the switch held like a pen, and a minatory wag of the head that meant correction. One boy, or young man, for he was nearly grown, persisted in carelessness as to the relative position in which he wrote the figures on his slate, not under each other, in perpendicular lines, with sufficient exactness. After several admonitions Old Dyas attacked one day with one of the shillalah class of switches, but only got in a blow or two before the spry youngster sprang out of a window (there were no shutters, much less glass). But then arose the dilemma that his hat was inside the school house. To come after it was to beard the lion in his den; to go without it was to blister in the sun. After some maneuvering, however, one of the boys threw his hat out of the window, and, pulling it over his ears, he made his escape. He came back, though, in a day or two, in a good humor, and the school went merrily on. I knew this boy as a man for many years after, and, having occasion to go over some calculations with him, I was amused to see that although he neither wrote a good hand nor ciphered well, yet he placed the figures under each other with the precision of a printed book. A few days of Old Dyas in the public schools now would probably eliminate one prolific source of errors.

We walked morning and evening to school, carrying our dinners in tin pails and milk in a variety of bottles. Some had clear glass, some green glass wine bottles, and some black or junk bottles. A contention having arisen among the boys as to the relative strength of these wares, it was submitted to the test of striking the bottles together, the boys whose bottles were broken admitting defeat—which, in some vague way, I thought involved humiliation—while the boys whose bottles survived the conflict vaunted their victories. I do not see why it never occurred to us that the finer ware would suffer in the conflict and the coarser prevail, but so it was. Bottles were of vastly more value then than now, and some of the small boys having cried about their loss, brought in the teacher with his

switches to umpire the game, and he decided to administer impartial fate. I do not remember the number of strokes, but I remember thinking it unjust that the boys who had lost in the game should suffer as much in the award as those who prided themselves on their stock of infrangible glass. For many years, however, I have coincided with the old teacher's view, and wish that his policy could be extended to parties and nations as well, they being but children of a larger growth.

Though the hours of school seemed to me of wearisome length, yet school was turned out time enough for us all to go leisurely home before sundown. Our house was about two miles, most of the way across a prairie, but crossing a small stream, whose clear water babbled over "the stones in the brook" where I loved to play. My brother would sometimes wait with me, but he sat on the bank, very much engaged in his books. I remember his puzzling over the mystery of the extremes and the means in the rule of three, and saying that if he could learn that rule and the square root he would be through the arithmetic and would "know it all." The Robinson Crusoe boy, of whom I have spoken, accompanied us to school, and one day took it into his head to teach us some arithmetic. There were five cows grazing by the side of the path, and he maintained that there were fourteen, proving it in this way: There are four in a bunch on the right and one by itself on the left; four on the right and one on the left make fourteen. We admitted the correctness of the numeration in the abstract, but could not see the cows in the concrete. "Well," said he, "apply your arithmetic; when you buy cattle count the old way, but when you sell cattle numerate them." For some reason this little jest remains in memory, and I have moralized upon it, like Dr. Franklin on his whistle, until at times it seems that the world is divided into two principal classes—those who count in the old way and those who "numerate."

To everything there comes an end, and so at last Dyas' school also ended, and one little scholar at least went running home joyfully carrying his books to stay. The patrons of the school were much pleased with our old teacher and he with his new location. They had arranged for him to open a permanent academy, and he departed for Ireland to bring his family. He sailed from New Orleans, but the vessel was never afterwards heard of.

The next school which I attended was taught in the same place in the year 1840 by Mr. Cummins, a young man from the States—that was as near as I ever learned the country of his nativity. He understood what he taught, and taught what he understood. His discipline was as severe, if not more so, than that of Dyas. I could not compare their teaching, but I learned more, perhaps only because I was older. We were ranked and arrayed in two spelling classes—the senior and the junior; and of course all in Webster's spelling book. I with a few others belonged to both, and it became a consuming ambition with me to be head of both classes, in which I succeeded once or twice, "and then I left it like a child." I have followed many greater ambitions of less importance. We reached and mastered "indivisibility" and "unintelligibility," and "physic" and "phthisic" and other long and hard words. Indeed, we came at last to the closing lessons, where there was a column of words pronounced alike but spelled differently, the first two of which were "air, the atmosphere; are, plural of am." Now I hear it is considered style to pronounce are arr. They don't know the spelling book; are, should be pronounced air. Further on there was a lesson in punctuation, which Mr. Cummins required us to memorize, giving it in charge on Friday evening; but the words were long and tough, and when Monday morning came, we came up unprepared. Not so the teacher; he did not go after a switch, he already had one and applied it without delay. Beginning at the head of the class, he dusted every jacket in the rank down to the foot and sent us all to our seats to learn it before playtime. We learned it. I can say it yet. There was also a lesson in the same connection, in which the letters of the alphabet occurred in a horizontal line. This lesson, a chum and I thought we could read with facility, and we had planned that when this came to us we would see which could say the a b c's the fastest. I believe he suggested this exploit, and the irony of fate awarded him the lead. He was hardly half way before the teacher was upon him with the switch. The offense was that there was a comma after each letter, indicating a pause. My old school mate is living yet. I hear that he is a preacher. I have not heard him, but will vouch for him that he knows one important lesson not always learned by clergymen, namely, to mind the stops. We got through the lessons on punctuation and read of the old

man and the apple tree, old dog Tray and the rest, and finally passed the picture of the wolf, and so were graduates, if not proficient.

It was at this school that some of Peter Parley's new school books arrived: geography, astronomy, and what not. I was permitted—or required, I forget which—to take lessons in his very primitive astronomy, and in truth was much interested and perhaps vaunted my superior course of study over the other boys. Be that as it may, I came to grief over the constellation of the great bear, which was one of the pictures in the book. In that picture the bear's hind legs bent backwards like those of a dog. There was a pet bear chained at almost every other house, and all the boys knew that a bear's hind legs bent forward like a man's knees, and so they voted my new book the work of an ignorant imposter. Will the makers of books never learn that a false picture is a falsehood?

We were taught arithmetic, whether well or ill, I do not remember; but I do remember that finding our slates growing continually dirty, we thought it a good plan to take them to the creek for a general washing, and once there, the abundance of sand suggested that it was a good scouring material and we proceeded to scour the slates, covering them with marks which we had not calculated upon.

An anecdote is related that somewhere a boy carried his slate to the teacher and asked this deep question, "Where do all the figures go to when they are rubbed out?" I can tell him where our complicated marks and scratches went. They went with the slates to puzzle future antiquaries who may exhume their fragments.

We had a variety of reading books; mine was the National Reader, a compend of extracts from notable modern authors, most of them American. One boy had Aesop's Fables for his text-book, and I was greatly interested in his recitations; so much so that I attempted compositions in the same vein, compositions in which I fear that the adventures of the animals were more in evidence than the moral.

Our games and sports were much the same as now, but we had also adventures with wild animals, some of which were exciting as well as amusing. They should be memorable, though they can not recur in this country until after the next ice age.

Our teacher joined a company of volunteers to invade Mexico, known in history as the Federal Expedition, and their departure

gave us an unexpected holiday. After their return, he stopped at our house, and I hardly recognized the prim and tidy school teacher in the bronzed and war-worn soldier with his grim accoutrements. I listened with eager interest while he told my father of their marches and battles and Xenophonian retreat. Time and experience has not lessened the high opinion I then formed of the military talent of their commander, Col. Jordan. Mr. Cummins volunteered in the Texian army to repel the invasion of 1842, and fell at the battle of Salado.

In the fall and winter of 1841 and 1842 another school house materialized as far to the east as the other was to the west, nearly two miles from home. It was a neat log house in a grove in the prairie, with no spring near, but the patrons substituted a well. I had then for the first time to experience a winter school. The house was an improvement on the other, in that it had shutters to windows and door; glass was still far in the future. We had also a chimney and wide fireplace where we kept a roaring log heap in cold weather, when the neighbors brought wood on their wagons, which they did turn about, and a flaming, crackling brush heap when we had to bring fuel by hand from the neighboring woods. The teacher was both competent and qualified mentally, and his scholars advanced well on all lines. Here an innovation broke in, for the world advanced backward and forward then as well as now. The new book was Town's spelling book, with columns of words arranged without the slightest regard to etymology or affinities of orthography, and further obscured by parallel columns of synonyms styled definitions, which we were required to memorize. This fool fad was of course hailed as a great improvement. I have since learned that it returns, like fashions, periodically. It has appeared and disappeared once or twice since.

Our teacher essayed to teach mental arithmetic orally to the school, assembled, as the legislative journals say, "in committee of the whole." The teaching, as it was somewhat violently called, was carried on by sudden questions on this dense subject, which we were expected to answer in the style of an exclamation. He was more successful with his singing geography, where, beginning at Baffin's Bay and going south around the continents of the Western Hemisphere, the names of all the bays were chanted in a unity of discord and loud voices, the pupils following with finger on map

and the chant continuing until the last one had found the bay as well as the name. Then followed the capes, islands, mountains, rivers, etc. There was a certain merit in this system which has not been successfully incorporated in any other. We became familiar with the outlandish proper names in geography, and formed a general idea of their import and locality. It was a sort of game, also, and we took delight in singing to a dull fellow until he found the object and escaped to the winning side, usually taking revenge by joining the screech to the next below until he also escaped. It beat a whipping to make them diligent. In reading, our teacher was fair only, but in penmanship he was excellent and successful, notwithstanding my failure to profit by his precepts and examples. He whipped the children cruelly, and I think more from petulance on his part than fault on theirs, and the girls were not spared. At this school one dark winter evening a neighbor visited us, and after we were dismissed, announced, as a piece of news to carry to our parents, that the Santa Fé expedition had arrived at that place and surrendered without firing a gun. I well remember the shade that passed over the boys' faces at the unwelcome tidings.

In February, 1842, I was taken on a journey to the States, which cut short my attendance, but soon after I left an invasion reached San Antonio; the larger boys went to the war and the school closed.

In the spring of 1843 another school opened in the same place, taught by R. B. Wells, a Methodist minister, who had been sent to our circuit that year. I think he was originally from Georgia, though I am not sure; he may have come from Virginia. Wherever he may have been born and bred, he was a scholar well qualified in every way to teach almost any branch of learning, and withal a gentleman. This school was the first I had seen or heard of that dispensed with the rod in school. He managed to keep order by keeping the children busy and by a dignified and gentle sway; he never had a switch and never needed one; he never whipped and never threatened but once, and that was to some boys or young men as large as himself. Besides the ancient routine of reading, writing, and arithmetic, he had classes in grammar, history, geometry, and surveying, and a class of one, the author of these memoirs, in Latin. He managed to give attention to all and keep the students interested, and I believe that each and every one of them was richly rewarded mentally and morally for the time

and attention given at Wells' school. As a teacher, he had one fault, a very common one then, as now—he did not always begin at the beginning, and knowing the subject so well himself, he could not well discover what the difficulties were which often puzzled primary students. If once he knew what the difficulty was, no man that ever I knew could more easily and quickly lead the pupil out of it, but he was slow in discovering rudimentary difficulties. I remember puzzling over an arithmetical problem for several days; a time which seemed to me months long. The teacher could not, or at least did not, understand my difficulty, which was so simple that a very stupid fellow in the neighborhood easily explained it to me in a few moments; perhaps because he knew how to reach the comprehension of his kind, in which our excellent teacher was at fault—over-shooting as it were. But the more advanced a student became, the more easily and thoroughly did Mr. Wells carry him forward. I remember his lamenting that there was no copy of Euclid to be found in the neighborhood, and when I searched my father's library and found a copy which had been through the wars and moves, and was torn and deficient of some of the first books, he hailed it as a treasure, nor was he in the least put out that the remnant began at the 47th proposition, either because he remembered all that went before or because he did not consider the mere beginning particularly important. And here I digress to move the Text-book Board to re-elect old Euclid for another term of two thousand years, for in all that time no other text-book has appeared that will at all compare with his.

Mr. Wells did not confine his exertions for our advancement to his little school nor to his Gospel ministry, but he also started an emulation among the young men to read well in the works of the great writers of our tongue. My brother read the English translation of Plutarch's Lives and Shakespeare's plays, in the latter of which his taste chose King Henry V., which he almost memorized. A companion of his was the best reader of the English language, except one, that ever I have heard. During that summer I read Scott's Life of Napoleon and attacked Blair's rhetoric, though with problematical success. One of the boys who was not at all literary in his taste, yet mastered the Life of Putnam, and when we found a den of wolves, proposed to emulate his hero by crawling in after them, but we dissuaded him and found a better plan by

smoking them out and shooting as they emerged. We had Parley's Universal History, then a new book, which had many merits in the eyes of a child and not a few in the eyes of this grown person. We had also then, as now, books called "readers intended for the use of schools," among which the English Reader and the National Reader still held first place. The school was in summer time, and during the long hot days the wild cattle came to the grove around the school house to stamp in the shade. Their bellowing and fighting often monopolized our attention to the annoyance of the teacher, and often serious danger to our horses. 'Tis an ill wind that blows nobody good. It was necessary to drive these cattle away, which was by no means the simple thing it is to drive gentle cattle. We had to go in force, and when the enemy was routed we were apt to become dispersed in pursuit and it took time to rally. We had many plays which I observe are still in vogue with school boys. But our favorite sport was to ride away at noon for a swim in some shady pool in the neighboring streams, and we all became good swimmers. After the swim, we ran our horses back to the school house. A level piece of road leading from the school house suggested a race track, where we tried the speed of our "nags" with merry races, in which the girls rode as well as the boys, and won many equestrian contests. We also had swings for the girls and various athletic exercises for the boys. I believe that we had more sport and genuine enjoyment and at the same time gave more attention to our studies at this school than any other I have known either before or since.

With the close of summer, our school closed, when I was eleven years old. The teacher remained in the neighborhood for some time and wherever he was it seemed as if school was in session from the numbers who came to him for instruction, especially young men. He did not resume his school, but removed to another part of the country, where, years afterward, he closed his useful life. No towering monument with marble piled around marks the tomb of Robert Barnard Wells, but the light which he let shine before men still gleams through the clouds of time.

SOME OF MY EARLY EXPERIENCES IN TEXAS.

ROSA KLEBERG.

[The following is my grandmother's account of her first experiences in Texas. She is the widow of Robert J. Kleberg, Sr., who as a member of Baker's company participated in the battle of San Jacinto. She is now eighty-five years old. She related the story to me in German, which I have taken down and translated, preserving as far as possible her exact words.—RUDOLPH KLEBERG, JR.]

After landing at New Orleans, we took sail for Texas, intending to land at Brazoria. Instead, we were wrecked off the coast of Galveston Island on December 22, 1834. We managed to save all our goods and baggage, which included everything we thought needful to begin a settlement in a new country; and having built a hut out of the logs and planks which had been washed ashore, we were able to maintain ourselves for some time. There were no houses on the island, but there was no lack of game.

After a few days a large ship passed the island; and the other people who were with us went on board and landed at Brazoria. We could not afford to leave our baggage; and so my husband, the only one in the party who could speak English, together with my brother Louis Von Roeder, went with them to Brazoria. Thence they proceeded on foot to San Felipe to find my brothers and sister, who had gone to Texas two years before, and from whom we had not heard since their departure.

The task of finding them was not so difficult as might be supposed. Entirely contrary to the fashion of the day, all had allowed their beards to grow and had adopted the dress of Prussian peasants. They found our people near Cat Spring. In the timber near Bostick's an Indian came toward them. My brother Louis was, of course, ready to shoot; but my husband restrained him. As it turned out the Indian was quite friendly, and told them where they would find the people they were seeking. He belonged to a troop of Indians who were camping in the neighborhood and from whom our relations had been in the habit of obtaining ven-

ison in exchange for ammunition. They found our people in a wretched condition. My sister and one brother had died, while the two remaining brothers were very ill with the fever.

My husband chartered a sloop to take us to the mainland. Captain Scott, the owner of the sloop, lived on one of the bayous, and we stopped at his house. He received us with the greatest kindness and kept us with him several days until we were thoroughly rested. I have never seen more hospitable people than those of Captain Scott's family. Three miles from Captain Scott, on the other side of the bayou, lived a Mr. Kokernot.

We went to Harrisburg where my husband had rented a house. As we were carrying our baggage into the house and I had just thrown down a big bundle, an Indian carrying two big hams upon his back approached me, saying, "Swap! Swap!" I retreated behind a table upon which lay a loaf of bread, whereupon the Indian threw down the hams, picked up the bread and walked off. As a matter of fact, the Indians were in the main quite amicable. They were constantly wishing to exchange skins for pots and other utensils. Quite a number of them was camping on Buffalo Bayou. I have often sewed clothes for them in exchange for moccasins. They were Coshattis, and big, strong men. There were also Kickapoos, who, however, were small.

We all lived together in the house during the rest of the winter. The house was very poor, and only in the kitchen was there a fireplace. My father carried on a butcher's trade, while my sister and I took lessons in sewing from a Mrs. Swearingen and made clothes for Moore's Store. We were all unused to that kind of work, but we felt that we must save our money; and, when required by necessity, one learns to do what one has never done before. We had our pleasures, too. Our piano had been much damaged; but I played on it anyway, and the young people of Harrisburg danced to the music. Toward summer, we all took the fever; and it seemed to me as if we would never get rid of it. We had no medicines, and there were, of course, no physicians.

In the fall my husband, who had been in Cat Spring, came to Harrisburg with a team of oxen to take us with him. The roads in the Brazos bottom being impassable on account of the mud, we camped at Weeten's. This was the first house on the road from Harrisburg to Cat Spring, and was a good day's journey from the

former place. Weeten was a backwoods American, and carried on the trade of a "teamster." He was the very personification of whole-souled generosity and hospitality. We also stopped at Hoff's. Hoff was a Pennsylvania Dutchman. At the time he did not have much; later, however, he became a rich slave-holder. We hired a little crib from him, and had to pay for all we got.

Upon arriving at our place at Cat Spring (near Millheim, Austin county), we moved into a big log house which my husband and brothers had built. There was neither floor nor ceiling to it, and in the only room was a big fire-place. As soon, however, as the most important field work was done, the men built an extra fine house for our parents. This had a floor and ceiling of logs.

We had most of our goods in common. When we decided to go to Texas, we put all our savings in a common treasury, part of which we invested in buying things we thought necessary to start a settlement. Our intention was to buy a tract of land to be held in common, and later to locate our individual claims. We had a president, secretary, treasurer, etc.; but the details of arrangement have escaped my memory. As a matter of fact, it did not work well, and after the war it broke up to our mutual benefit.

Circumstances were very different from the representations we had made to ourselves. My brothers had pictured pioneer life as one of hunting and fishing, of freedom from the restraints of Prussian society; and it was hard for them to settle down to the drudgery and toil of splitting rails and cultivating the field, work which was entirely new to them.

The settlers with whom we came in contact were very kind and hospitable; and this was true of nearly all the old American pioneers. They would receive one with genuine pleasure, and share the last piece of bread. Money was out of the question; and if you had offered it to those people, they would have been amazed. When you came to one of the old settlers, you were expected to make yourself at home. He would see that your horses were well fed, and offer you the best cheer he could; and you were expected to do the same when the next opportunity presented itself. In the main, everything was very quiet and peaceful. But there was great dissatisfaction with the Mexican government, which was in reality no government at all. The settlers were constantly saying that since the Mexicans gave them no government, they could not see

why they could not have a government of their own and be rid of the Mexicans. This seemed to be the constant burden of their conversation. Old Mr. Kuykendall, who lived on a big plantation ten miles from us, had nothing else to say.

We lived about ten miles from San Felipe, where there were from two to four stores, besides a tavern and saloon and from thirty to forty private houses. In the stores you could buy almost anything you wanted in those days; but, of course, the prices were high. There were no churches, but plenty of camp-meetings, one of which I attended. There was considerable trade in cotton and cattle in San Felipe and San Antonio. Dr. Peebles owned a big gin on the Brazos, in which he employed a good many negroes. Captain York was another one of our neighbors.

Old Colonel Pettus brought us the first news of the commencement of hostilities. The unmarried men of our party then joined the march to San Antonio and participated in the capture of that city.

In the summer the people returned. Things were now quiet for a while, and everybody began work once more. But when the news of the fall of the Alamo came, there was great excitement. Some of the people wanted to leave Texas altogether. There was quite a debate in our family as to what course it was most advisable to pursue, until my husband was seconded in his views by my father. Besides, we could not leave the State permanently, having no property elsewhere. And so it was finally decided that my father should stay with us, while my husband and brothers were to join the army. As the men left, their families began to move, intending to cross the Sabine river; and we set out like the rest. As we passed through San Felipe, my husband and my brother, Louis von Roeder, left us to join Houston's army. Having only one big ox-wagon, and being compelled to take in it four families and their baggage, we were compelled to leave behind much that was valuable. My father and I drove our cattle and packed horses; and I carried my daughter Clara, who was then a child of a few months, upon the saddle in front of me.

Most of the families traveled separately until they reached the Brazos, where all were compelled to come to a halt. It was necessary to drive the cattle across before the people could pass over; and this was attended with a good deal of difficulty. In this way

there were collected from forty to fifty families who were trying to cross with their cattle, and the noise and confusion were terrible. There was only one small ferryboat, which carried a wagon and a few passengers. Many of the people were on foot. Deaf Smith's Mexican wife was in a truck-wheel cart (a cart with two wooden wheels made from entire cross-sections of a large tree) with her two pair of twins, but had no team to carry her forward. My brother Albrecht carried her with his team of oxen for a distance and then returned for us. Several other people showed her the same consideration, and thus she managed to proceed on her journey. The blockade continued from early morning until the late afternoon.

The next morning after crossing the Brazos we stopped at "Cow" Cooper's, called thus from the large number of cattle he owned. Cooper told the people to help themselves to all the meat in his smoke-house, since he did not want the Mexicans to have it. He was then a man of about 50 years, and his sons were in the army. He had a beautiful herd of horses and a lot of negroes. The people kept together for about a day, after which they again separated. We camped near the Clear Creek, where young Louis v. Roeder was born in a corn-crib.

We intended to remain here as long as possible on account of my sister. During the night, however, my brother, Otto v. Roeder, came to tell us that the Mexicans had gone to the crossing below San Felipe and that we must move on. And so we once more set out, being compelled to stop again after the second day. We camped in the neighborhood of a house where a number of families had collected. Here we heard the sound of cannon, and the next morning came an old man, Georgens by name, whom we knew quite well. He told us that the battle had been fought; but when my father asked him about the result he told us that he had stayed with the army until he saw that everybody was thoroughly engaged, whereupon he decided that they were able to get on without him and he left.

Georgens, however, was not the only one who decided that his presence was not indispensable. Deserters were constantly passing us on foot and on horseback. The old men who were with the families laughed at them and called to them, "Run! Run! Santa Anna is behind you!"

One German whom we knew in Paderborn, and who had come to Texas several years before us, had caused to be posted on the trees on his land notices that he was loyal to the Mexican government, and had persuaded many of his German friends to do the same. But when the Mexicans actually appeared on the scene, our friend and his followers nevertheless got frightened and got away as fast as they could. Georgens' wife and children were stolen by the Indians; but Stoehlke and his family were captured by the Mexicans, who wanted to hang him. He told them that if they did so, he would die as innocent as Jesus Christ himself, whereupon they released him and his family. There were a good many Germans on Cummins Creek. They came from Westphalia and Oldenburg.

On the afternoon of the same day, we learned the result of the battle of San Jacinto. We did not believe the good news until we heard it confirmed by the young men whom we had sent to ascertain the truth of the report.

It was our intention to return home; but we heard that the Indians were in the country, and so we followed the example of the families who were with us, and went to Galveston Island. There were also a number of Mexican prisoners who were kept on the island by the Texan government. We received some supplies from the people of the United States, but we nevertheless here passed through some of our hardest experiences. Many of us were sick, and though there was a physician, a Dr. Jaeger, among us, who generously gave his services, yet he had no medicines. My sister-in-law, Ottilie v. Roeder (nee v. Donop) died here and we buried her under the Three Lone Trees.

My husband and brother Louis, who had both been in the Texan army all during this time, joined us here, and we first intended to remain permanently. But it was evident that this was impossible, and we decided to return to Cat Spring. When we came home we found everything we had left was gone. We had buried our books, but the place had been found and they were torn to pieces. We had to begin anew, and with less than we had when we started.

NOTES AND FRAGMENTS.

Mr. W. F. McCaleb of Carrizo Springs, who has held a junior fellowship in History at the University of Chicago during the past year, has just been reappointed. This time, however, he has received a substantial promotion in that he is awarded a senior fellowship and will be allowed to travel in Mexico. He will thus be able to carry on his investigations in the Mexican archives, which must be thoroughly exploited before the real pre-Revolutionary history of Texas can ever be written.

Mr. W. Roy Smith, who will take the degree of Master of Arts, from the University of Texas, next June, has just received notice of his nomination to a fellowship in American History in Columbia University, New York City. Competition for these places is open to graduates of the colleges and universities in the United States and Canada, and the award is usually made to the applicant who presents the best evidence of his ability to do original investigation. Two of twenty-four fellowships are, as a rule, conferred upon students of history. Mr. Smith's nomination was made on the merits of a paper entitled "The Quarrel Between Governor Smith and the Council of the Provisional Government of Texas, 1835-6."

Judge Fulmore's History of the Geography of Texas, consisting of a series of maps, accompanied by explanatory notes and two tables of statistics, all comprised in a large chart, has appeared. It is intended especially for the public schools, and it will be found a useful aid in teaching the History of Texas. The outlines of the subject, and especially of the historical geography of the State, are presented by it in brief compass, and in a systematic way, so that they can easily be mastered. Probably the most val-

uable, as well as the most original, part of the chart is that which shows, by a graphic arrangement, how the existing counties of Texas have grown by subdivision from the few that represented the municipalities of the Republic. The table in which this growth is shown is likely to prove itself quite helpful in the investigation of the history of local government in the State.

The Gammel Book Company has undertaken the publication of the Laws of Texas, 1822-1897. This will be, when finished, an extensive work, comprising ten large volumes. It makes accessible to the general reader, a great deal of important matter that has been, up to this time, in reach of but few, and to lawyer and historian alike it is most welcome.

Another recent publication, which deserves special commendation for the intelligent way in which it exhibits the evolution of the Texas system of organic and statutory law, is Batts' Annotated Revised Civil Statutes. Further notice of it will be made in a review, which is to appear in the next issue of *THE QUARTERLY*.

The completest repository of Texas history that has hitherto appeared in a single publication is "A Comprehensive History of Texas," edited by Dudley G. Wooten and published by William G. Scarff, Dallas. It has been received too late for an extended notice in this issue, but a suitable review may be expected in *THE QUARTERLY* for July.

Those who like to study history from the sources have reason to congratulate themselves upon the additions that have lately been made to the list in the State library. Among these are the Pacheco and Cárdenas collection, Margry's "Découvertes et établissements, etc.," the Thwaites edition of the Jesuit Relations,

as far as hitherto published, and the Goldsmid edition of the Voyages of the English Nation to America, from the Hakluyt collection. Unfortunately, the appropriations by recent Legislatures for the purchase of books have been extremely small, but the little that has been given has been judiciously spent. In time, if the money needed to buy books be provided somewhat more liberally, the library may become in some degree worthy of the State to which it belongs.

LOUIS JUCHEREAU DE SAINT DENIS.—“One of the most striking figures on the stage of Texas history undoubtedly is Sieur Louis de Saint Denis, called Huchereau for the first time by Yoakum in his History of Texas.”

Concerning the latter clause of the above quotation from an interesting article in a late issue of the TEXAS HISTORICAL QUARTERLY, I desire to say that Henri Martin (Hist. of La.) and Charles Gayarré (Hist. of La.), both of whom preceded Yoakum, as well as several earlier writers, certainly referred to the Saint Denis sent to Mexico by Cadillac as Juchereau de Saint Denis.

Juchereau would seem indeed to have been a family name, common to all belonging to a certain branch of the Saint Denis family; as Barbe Juchereau de Saint Denis, Louis Juchereau de Saint Denis, etc., all of which names are found in the early chronicles.

The following note from Justin Winsor, vol. V, p. 25, may throw some light on the subject:

“Charlevoix speaks of Saint-Denys, who made the trip to Mexico, as Juchereau de Saint-Denys. Dr. Shea, in the *note*, p. 12, vol. VI, of his *Charlevoix*, identifies Saint-Denys as Louis Juchereau de Saint-Denys. The founder of the settlement on the ‘Ouabache’ signed the same name to the Memorial in Margry, v. 350. The author of *Nos Gloires Nationales* asserts (vol. I, p. 207, of his work) that it was Barbe Juchereau who was sent to Mexico. Spanish accounts speak of the one in Mexico as Louis. Charlevoix says he was the uncle of Iberville’s wife. Iberville married Marie-Thérèse Pollet, granddaughter of Nicholas Juchereau, Siegneur of Beuport and St. Denis (see Tanguay). This Nicolas had one

son who was born September 18, 1676. Martin says the two Juchereaus were relatives."

Documents, hitherto unknown, are being added from time to time to the Howard Library here. It is not improbable that some paper—one might even dare to hope for a letter! signed by the hand of Saint Denis himself, may yet be brought to light to settle the question of his name and to thrill the hearts of all lovers of romance!

M. E. M. DAVIS.

QUESTIONS AND ANSWERS.

In his "History of the Catholic Church Among the Indian Tribes of the United States," p. 87, John Gilmary Shea writes:

"A full history of this [the Texas] mission was composed about the year 1783, by one of the Fathers, which is still in manuscript, and will furnish, when published, a complete account of the labors of the Apostolic men of whom the present writer can only glean occasional notices."

In a note Shea adds: "I had the work in my hands, and was in treaty for its purchase; but contrary to every expectation on my part, it was sold without my knowledge to another, and I have since been unable to trace it."

Can any one give me information about this manuscript?

EDMOND J. P. SCHMITT.

Baker, in his "Texas Scrap-Book," writes, p. 275:

"John Rice Jones came from Missouri to Texas about the year 1831. He was postmaster-general under the first provisional government. He was for years a merchant, and he died in 1845."

Was this the same John Rice Jones that lived at Vincennes, Indiana, in the beginning of the century? Can any one give me more information about him?

EDMOND J. P. SCHMITT.

Mound Prairie, as referred to by Yoakum and Thrall, is five and a half miles west of the town of Alto, Cherokee county. There is a settlement in Anderson county, about ten miles west of Palestine, called Mound Prairie, but it is not near as old as a landmark as the first named place.

DABNEY WHITE.

THE FLOURNOY FAMILY.—For some time Mr. Flournoy Rivers, of Pulaski, Tenn., has had in preparation for the "Virginia Magazine of History and Biography," published at Richmond by the Virginia Historical Society, a series of articles relative to the Flournoy family in both Europe and America. The first of the series appeared in the issue for July, 1894. These articles are not based on the mere "they say" of verbal tradition, but upon authentic history, wills, deeds, court records and official data.

From the time that Laurent Flournoy, the Huguenot, fled from persecution in Champagne, France, first to Lyons after the Guise Massacre of the Protestants on March 1, 1562, at Vassy, and then to Geneva, Switzerland, after the Great Massacre of the Bartholomew in 1572 (see Agnew's French Protestant Exiles, vol. 2, p. 270), two branches of this family have lived—are now living—at Geneva. They are interested and are aiding. Between the European and the American Flournoys correspondence was kept up from 1700 down to about 1758, and has recently been revived.

From Geneva Jacob Flournoy, Laurent's great-grandson, came with his family in September, 1700, to the now extinct Huguenot settlement, Manikin Town, on the James river, in the present Powhatan county. See "Huguenot Emigration to Virginia," page 15, a compilation of State papers referring to this Colony, which was published a few years since by the Virginia Historical Society. Jacob's only son, Francis Flournoy, made his will April 13, 1770; probated at the March term, 1773, Chesterfield county court; and now of record at Chesterfield C. H., Va., in Will Book 2, page 262. He left a numerous family of sons and daughters, each of whom in turn became the head of a large connection.

Soon after Jacob came his nephew, John James Flournoy—see "Huguenot Emigration," page 112—who, marrying in 1720, died March 23rd, 1740. His will was probated at Richmond, Henrico county, at the April term, 1740. He likewise left sons and daughters, from one of whom—Samuel Flournoy, born 1724, died 1780, in Powhatan county (Will Book No. 1, page 66)—the compiler descends.

Though so widely scattered throughout America, it is easily susceptible of legal proof that all members of this family have a common origin. The compiler, therefore, asks you to aid him in putting all of them "in touch" with each other. He receives for it—

and expects—no compensation; he has, instead, devoted to it much time and labor and money. Readers of *THE QUARTERLY* are, therefore, requested: (1) To furnish him the full name and postoffice address of every person of Flournoy descent within their knowledge; (2) to lay this matter before all such persons, requesting their co-operation; (3) to furnish Mr. Rivers an historical account, accurate and minute in detail, NOT in the form of a *RUNNING LETTER*, but a *TABULATED* statement—of the descent of themselves and of the members of their branch.

Give full names; be accurate and minute as to dates, civil, political, military or naval employment, giving official records; note all collegiate graduations and authorships, if any; born when and where; married when, to whom, lived where; occupation what; died when; buried where; religion what; politics what. Consult family Bibles, town records, county, State and national records, tombstones, church records, will and deed books, etc., giving book and page.

Mr. Rivers is also interested in and would be glad to correspond about and pay for colonial and revolutionary and historical data of the following names and families:

Rivers.—Antecedents of William Rivers, of Brunswick county, Va.; died in March, 1809, testate; will now of record at Lawrenceville, Va. The name existed in Lunenburg and Greenville counties, both off-shoots of Brunswick.

Brown.—Aaron Brown, father-in-law of the foregoing, William Rivers, executor of his will and testamentary guardian of his sons, John and William, whom he brought from Virginia to Giles county, Tennessee, in 1813. He was born in 1757, died 1830.

Camp.—Capt. John Camp, father of Dr. John Hamlin Camp, who was Speaker of the Tennessee House of Representatives, *pro tempore*, 1821, Representative 1825, Speaker in 1827. Capt. Camp was a soldier of the Revolution; removed to Middle Tennessee from Brunswick (or Greenville?) county, Va., 1807; died at Elkton, Giles county, 1820, aged 66 years.

Cannon.—William Cannon, of "Mt. Ida," Buckingham county, Va.; came to Tennessee 1807-12, and removed to Caldwell

county, Ky., about 1820; died, and is buried near Princeton, Ky., on the Bennett or Catlett place. His first wife was Sarah Mosby (below).

Rodes.—Tyree Rodes, one of the founders of Pulaski, Tenn. (Act of Tennessee Legislature, Nov. 14, 1809); was son of John Rodes (2nd), son of John Rodes (1st), of Albemarle and Hanover counties, Va.

Mosby.—Benjamin Mosby, lived at what is now "Cumberland Old Court House," Powhatan county, Va.; died testate 1774; father of (among others) Littleberry Mosby, of "Font Hill," Powhatan county, who was a member of Cumberland Committee of Safety, 1775-76, and in the first Commission of the Peace, Powhatan county, June, 1777; county lieutenant, 1780-81; burgess, 1781; sheriff, 1797; died testate, 1809. His first wife (1748) was Elizabeth Netherland.

Harris.—The Harris family of Louisa, Albemarle, and Hanover counties, Va. Sarah Harris married John Rodes (2nd). She had a brother, Tyree Harris, who removed from the parish 1758. Is he the Tyree Harris who was in the Commission of the Peace for Orange county, N. C., 1759, in Assembly 1760, and sheriff 1766-67?

Avirett.—The Avirett family, once of Onslow county, N. C. John Alfred Avirett, Sr., lived at "Richland," Onslow county. His son, J. A. A., Jr., wounded at New Hope Church, Georgia campaign, 1864; died soon after; captain Fifty-eighth Alabama regiment, C. S. A.

Markham.—John Markham, Chesterfield county, Va.; said to be the immigrant, 1717. His great-grandson, Dr. James Bernard Markham, removed from Amherst (?) county, Va., to Hale (Green?) county, South Alabama, many years ago. Lived many years in Perry county, Ala.

Holland.—James Holland of Rutherford county, N. C., was sheriff of old Tryon county before its division in 1779, from July, 1777, to July, 1778; second lieutenant in Hardin's company, Locke's regiment, North Carolina militia, 1776; after the war was in the State Senate, 1783, 1797; in the House, 1786, 1789; member first Board of Trustees, University of North Carolina, 1789-1795; member second North Carolina Constitutional Convention (that adopted the Federal Constitution), 1789; in

Congress, March, 1795, to March, 1797, and 1801 to 1811. (His will construed, 2 Yerger Tenn. Rep., 341, in case of Tyree Rodes and wife vs. Holland.) He died 1823. His land grants reviewed in Childress vs. Holland, 3 Haywood Tenn. Rep., 274.

Gilbert.—William Gilbert, of "Gilbert-town," near present Rutherfordtown, N. C. In Commission of Peace of old Tyron county up to April, 1776; tax assessor, in Commission of Peace of new county of Rutherford; in House, 1779, 1780, 1782, 1783. His daughter, Sarah Gilbert, married James Holland in January, 1780. His wife was Sarah McCandless of Philadelphia. She died at the Holland place in Maury county, Tenn., 1822. Gilbert is called "a loyalist" in Draper's "King's Mountain," which absurd error, Mr. Rivers ascertained, is due solely to the fact that Major Ferguson camped several weeks at Gilbert-town in September, 1780.

Flournoy.—The American ramifications from Laurent Flournoy, the Huguenot of 1562-72. See Agnew's "French Protestant Exiles" and "La France Protestante," including the progeny of both his descendants, Jacob, the immigrant of 1700, and Jacob's nephew, John James, the immigrant of 1717-1720; "Huguenot Emigration to Virginia."

AFFAIRS OF THE ASSOCIATION.

Mr. D. M. O'Connor, of Anaqua, has added to the gift of fifty dollars received from him last year, one hundred more. If the Association could find a few other such generous patrons it would be able by and by to gather a collection of materials for Southwestern history that would be known throughout the world and would attract investigators from every quarter. Then the History of Texas and the Southwest could be written by Texans themselves. Mr. O'Connor has won the hearty gratitude of the Association.

The July QUARTERLY will contain the reports of the Treasurer and the Librarian. These may be so far anticipated as to state that, while the collection of the annual dues for the second year of the Association's existence has not yet begun, there is nearly enough on hand to discharge all debts, including those for the current issue of the QUARTERLY; and, as to the library, the collection now runs to nearly two hundred volumes and pamphlets, besides a considerable list of serial publications belonging to incomplete volumes, and not yet numbered.

The second annual meeting of the Association will be held in Austin, June 16th and 17th, the two days immediately following the commencement exercises of the University. The railroads of the State have agreed to give a rate of one fare and one-third for the round trip, and the tickets will be sold under such conditions that those who wish can attend both the commencement and the meeting of the Association. It is hoped that the members will take advantage of this opportunity and gather in sufficient numbers to rouse enthusiasm for the work and spread it, when they disperse, throughout the State.

Peter Hansbrough Bell:

Governor of Texas, 1849-53.

Born March —, 1810.

Died March 8, 1898.

The time is favorable, for there is abundant evidence in many quarters of a growing interest in Texas history, and of more serious attention to the subject. There has never been a period in which so many earnest students have been at work in this field, and the number is constantly on the increase. The students of the public schools manifest an increased desire to know something of the history of their State, and many of them are developing an inclination towards the study that can hardly fail to bear fruit in the course of time.

Much of the credit for this new impulse is due the Daughters of the Republic. The patriotic efforts of this organization to awaken the public gratitude toward the makers of Texas by reviving the memory of their sacrifices and achievements, have contributed not a little to the stimulation of historic interest throughout the State. The work of the Association, and especially the publication of the *QUARTERLY*, also had its share in the result, as is shown by the correspondence on file in the office. But, whatever may have led to this movement, one can not question its existence.

LIST OF NEW MEMBERS.

The following names have been added to the list of members since the publication of the October *QUARTERLY*. The total membership is now 416:

Mrs. Leila Barkley Alford.....	2317 Main Ave., San Antonio.
Col. Phil T. Allin.....	Cleburne.
Hon. J. W. Baines.....	Blanco.
Eugene C. Barker, Esq.....	Palestine.
Mrs. W. G. Belding.....	Austin.
William G. Bell, Esq.....	Austin.
Miss Cordelia Cora Bostick.....	Gainesville.
Mrs. A. Belle Bradford.....	Box 212, San Luis Potosi, Mexico.
Mrs. John Bradley.....	San Antonio.

Supt. E. E. Bramlette.....	Fort Worth.
Mrs. Nettie Houston Bringhurst.....	Henderson.
Miss Daisy Bryan.....	Quintana.
Dr. A. L. Burleson.....	San Antonio.
Dr. J. W. Carhart.....	La Grange.
Maj. E. B. Carruth.....	Austin.
Dr. David Cerna....	San Lucas, via Nadadores, Coahuila, Mexico.
Edwin Chamberlain, Esq.....	San Antonio.
Mrs. Fannie McAlpine Clarke.....	Breckinridge.
Supt. W. J. Clay.....	Dublin.
Dr. Thomas C. Cook.....	Weimar.
Bethel Coopwood, Esq.....	Laredo.
R. H. Connerly, Esq.....	Austin.
Ernest D. Criddle, Esq.....	Waxahachie.
George L. Crocket, Esq.....	San Augustine.
John H. Cullom, Esq.....	Austin.
Samuel B. Dabney, Esq.....	Victoria.
Dr. James Q. Dealey.....	Providence, R. I.
Marion De Caussey, Esq.....	Sealy.
Mrs. J. P. Devine.....	San Antonio.
Prof. D. F. Eagleton.....	Bonham.
Prof. A. Caswell Ellis.....	Austin.
Miss Rosa Freeman.....	906 W. Weatherford St., Fort Worth.
Mrs. J. Arch Gamel.....	Chickasha, I. T.
Mrs. Maggie Watters Goldsmith.....	Cleburne.
Robert E. Goree, Esq.....	Waco.
Miss Effie Graves.....	Austin.
Mrs. Lee C. Harby.....	313 W. 70th St., New York City.
Dr. J. O. Harris.....	129 Main St., Ottawa, Ill.
Prof. J. E. Harrison.....	San Antonio.
Miss Mary Heard.....	Cleburne.
T. W. Hedrick, Esq.....	Wheelock.
J. C. Hickey, Esq.....	Henderson.
Samuel H. Hickman, Esq.....	Bryan.
H. E. Hildebrand, Esq.....	San Antonio.
Prof. Robert T. Hill...	U. S. Geological Survey, Washington, D. C.
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